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JOURNAL

OF

THE SENATE,

AT THE

CALLED SESSION

OF THE

NINETEENTH GENERAL ASSEMBLY

OF

THE STATE OF TENNESSEE

HELD AT NASHVILLE.

1832.

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1832.

JOURNAL OF THE SENATE,

At a meeting of the General Assembly of the State of Tennessee, begun and held at Nashville on Monday, the third day of September, one thousand eight hundred and thirty-two, in pursuance of a Proclamation of his Excellency, WILLIAM CARROLL, *bearing date the 6th day of August,* 1832—*being the Second Session of the Nineteenth General Assembly of the State:*

ON which day, being that fixed on by the proclamation of the Governor for the meeting of the General Assembly, BURCHET DOUGLASS, of Wilson, the Speaker, WM. K. HILL, the Clerk, LUKE LEA, the Assistant Clerk, and the following members of the Senate, appeared and took their seats—to wit:

From the counties of Carter, Sullivan and Hawkins—*Abraham M'Clellan.*

From the counties of Washington, Greene, Cocke and Sevier—*James W. Wyly.*

From the counties of Grainger, Claiborne, Campbell and Jefferson—*John M. Brabson.*

From the counties of Blount, Monroe and M'Minn—*John F. Gillespy.*

From the counties of Anderson and Knox—*Robert M. Anderson.*

From the counties of Morgan, Roane, Rhea, Bledsoe, Marion and Hamilton—*James I. Greene.*

From the counties of Franklin and Warren—*Isham Perkins.*

From the counties of White, Overton, Fentress and Jackson—*James T. Holman.*

From the counties of Smith and Sumner—*David Burford.*

From the counties of Rutherford and Williamson—*Robert Jetton.*

From the county of Bedford

From the counties of Lincoln and Giles—*Wm. H. Feild.*

From the county of Maury—*Lucius J. Polk.*

From the county of Davidson—*Wm. Lytle.*

From the counties of Robertson, Montgomery and Dickson—*Henry Frey.*

From the counties of Hickman, Lawrence, Wayne, Hardin and M'Nairy—*Wm. Davis.*

From the counties of Stewart, Humphreys, Perry and Henderson—*Cullen Andrews.*

From the counties of Henry, Carroll, Dyer, Obion, Weakley and Gibson—*Robert Murray.*

From the counties of Madison, Hardeman, Fayette, Shelby, Tipton and Haywood—*Duncan M'Iver.*

A quorum of the Senate being present, it was on motion of Mr. M'Clellan,

Ordered, That the Clerk acquaint the House of Representatives that a quorum of the Senate have convened in pursuance of a proclamation of the Governor, dated the 6th August 1832, and are ready to proceed to the despatch of public business.

A message from the House of Representatives by Mr. Campbell, their clerk—

Mr. Speaker: I am directed to inform the Senate that a quorum of the House of Representatives have this day assembled in obedience to the proclamation of the Governor of the State, and are ready to proceed to the despatch of business.—And then he withdrew.

Whereupon Mr. M'Clellan submitted the following:

Resolved, That a joint select committee be appointed to wait on his Excellency the Governor, and inform him, that a quorum of both Houses of the General Assembly have convened, and are ready to receive any communication he may have to make them.

And the rule requiring resolutions to lie one day on the table, being suspended—on motion of Mr. Frey, said resolution was adopted.

The Speaker appointed Mr. M'Clellan, Mr. Jetton and Mr. M'Iver to be of said committee on the part of the Senate.

Mr. Gillespy introduced "a bill to alter the times of holding the several district chancery courts therein named"—which was read a first time and passed.

Mr. M'Clellan from the joint select committee to wait upon his Excellency, &c. reported, that the committee had performed the duties assigned them, and that his Excellency would forthwith make his communication in writing.

Whereupon the following message was received from his Excellency, by Samuel G. Smith Esq. Secretary of State, and read at the Clerk's table.

Fellow-Citizens of the Senate,
and of the House of Representatives:

Under the authority of the ninth section of the second article of the Constitution, you are convened at this time to deliberate on some subjects which require legislative attention before the stated session of the next General Assembly.

By an act of Congress, passed at the last session, for the apportionment of Representatives among the several States, according to the fifth census, it appears that the State of Tennessee is entitled to thirteen members in the House of Representatives of the United States, after the third day of March next. The passage of a law authorizing the election of Representatives in conformity with this act of Congress is a duty which devolves upon you at this time.

It is also necessary that you should pass a law authorizing the

election of Electors to vote for President and Vice President of the United States. The act of Congress on the subject requires that the Electors shall meet in their respective States, for the purpose of voting, on the first Wednesday in December, and it further provides that they shall be elected within thirty-four days before this meeting. You will perceive the necessity of having strict regard to those provisions of the act of Congress. As great unanimity prevails in relation to the approaching election in Tennessee, I would recommend this as a favorable period for the introduction of the general ticket system, especially as it has been adopted by almost every State in the Union; and it is the only system, by which we can have our full weight in future elections for President and Vice President.

Believing that it is not my duty under the Constitution to bring to your consideration any subjects except such as may require your immediate attention, and not knowing any of that character, at present, but those I have mentioned, I will only add my best wishes for your health and a speedy and successful termination of your labors.

WM. CARROLL.

EXECUTIVE OFFICE,
Nashville, September 3d 1832.

Mr Frey submitted the following:

Resolved, That a select committee be appointed to contract for stationery for the use of the Senate during the present session; and the rule being suspended, said resolution was adopted: the Speaker appointed Mr. Frey, Andrews and Feild said committee.

Mr. Brabson submitted the following:

Resolved, That so much of the Governors's message, as relates to the increased representation in the Congress of the United States, from this State, be referred to a select committee, to be denominated the committee on Congressional Districts.

And Mr. Gillespy the following in lieu thereof:

Resolved by the General Assembly of the State of Tennessee, That a joint select committee be appointed to report a bill on the organization of Congressional Districts, for the State of Tennessee, based upon the federal population under the census of 1830, pursuant to the act of Congress in that case made and provided; said committee to consist of eleven on the part of the Senate:

Which being received by Mr. Brabson, and the rule also being suspended, was adopted. *Ordered*, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. M'Clellan submitted the following:

Resolved, That five hundred copies of the message of the Governor, be printed for the use of the Senate.

And Mr. Murray the following:

Resolved, That the committee on public printing, be instructed to contract for the job printing of the Senate, during the present session.

And the rule being suspended, said resolutions were adopted. And then the Senate adjourned.

TUESDAY, SEPTEMBER 4, 1832.

The Hon. Theo. F. Bradford, the Senator from the county of Bedford, appeared and took his seat.

Mr. Holman presented the petition of John Davis, praying to be divorced from his wife Letitia, which was referred, on motion of Mr. Holman, to the committee on divorces.

Mr. Davis presented the petition of sundry citizens of Lawrence county, praying the passage of an explanatory law on the subject of profane swearing, which was read, and referred, on motion of Mr. Davis, to the judiciary committee.

Mr. Speaker Douglass, presented the resignation of Robert L. Caruthers, Attorney General for the 6th Solicitorial district, which was read, accepted and ordered to be transmitted to the House of Representatives.

Mr. Frey submitted the following resolution:

Resolved, That a select committee be appointed to take into consideration that part of the Governor's message, which relates to the election of electors to vote for President and Vice President of the United States, and that they have leave to report by bill or otherwise.

And Mr. Gillespy the following:

Resolved by the General Assembly of the State of Tennessee, That the committee on banks, be instructed to inquire into the expediency of discontinuing further discounts and loans in the Bank of the State of Tennessee, of repealing the charter, dissolving the institution, and of appointing an agent or agents to superintend the collection of the debts due the State, and that they report as soon as practicable to this General Assembly.

Resolved, That the joint committee on banks, be instructed to inquire into the expediency of adopting some speedy and efficient mode of settlement and adjustment with Joel Parish and his securities, for his defalcation in bank, and that they report to this General Assembly; and the rule being suspended, said resolutions were adopted—the Speaker appointed Mr. Frey, Mr. Wyly and Mr. Polk, to be of the committee raised by Mr. Frey's resolutions.

Received from the House of Representatives, a memorial from sundry citizens of Smith county, praying the incorporation of a bank in the State of Tennessee, which was read and referred to the committee on banks.

A message from the House of Representatives, by Mr. Campbell, their clerk.

Mr. Speaker—The House of Representatives have adopted a resolution suspending the operations of an act, entitled "An Act making compensation to certain enterers and grantees, for their improve-

ments between the two Kentucky lines," passed 4th Nov. 1831, in which they ask your concurrence—And then he withdrew.

Said resolution was read and concurred with. *Ordered*, that the clerk acquaint the House of Representatives therewith.

Mr. Anderson introduced a bill to authorize Aaron Armstrong to erect a mill dam on Holston river, in Knox county—and a bill for the relief of Wm. Plumlee. Mr. Holman, a bill to divorce Samuel Walker, of Overton county, from his wife Elizabeth Walker. And Mr. Greene, a bill, for the benefit of Francis K. Suddath and John Woody, of the county of Roane. Mr. Greene introduced a bill for the benefit of George Gordon, and a bill to compensate Wm. P. Smith. Mr. Anderson, a bill for the relief of Wm. S. Howell, and Mr. Andrews—a bill for the benefit of Henry Bettis, which were severally read a first time and passed.

A message from the House of Representatives, by Mr. Campbell, their clerk.

Mr. Speaker—The House of Representatives concur in your resolution, providing for the appointment of a select committee, to which shall be referred so much of the Governor's message as relates to the division of the State into Congressional Districts, under the fifth census of the United States, and have appointed Messrs. Gordon, Young, Stephenson, A. E. Smith, Easley, Wright, Vernon, Dunlap, George Gray, Dickinson, Dew, Watkins, Maury, Dobbins, Inge, Brown, Hatley, Holland, Rogers, Cheatham and James Gray, to be of said committee, on their part. The House of Representatives have adopted a resolution appointing a joint select committee to take into consideration so much of the Governor's message, as relates to the election of electors of President and Vice President of the United States, and have appointed Messrs. M'Lean, Claiborne, Boddie, Allen, M'Gaughey, Gillespy and Kincaid, to be of said committee, on their part—And then he withdrew.

The Senate concurred in said resolution, and the Speaker appointed Messrs. Brabson, Holman, Jetton and Andrews, to be of said committee on the part of the Senate. *Ordered*, That the clerk acquaint the House of Representatives therewith.

The Speaker appointed Messrs. Gillespy, M'Clellan, Anderson, Perkins, Burford, Bradford, Greene, Frey, Murray, M'Iver and Davis, to be of the joint select committee on Congressional Districts, on the part of the Senate.

Mr. Gillespy submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That the Mayor and Aldermen of the town of Nashville, be respectfully requested, by a committee of this General Assembly, to suppress the ringing of auction bells during the present session of this General Assembly, at any time when the two houses are in session.

Mr. Anderson withdrew for amendment, a bill to alter the times of holding the several district chancery courts therein mentioned.

Received from the House of Representatives, a bill to amend an act, entitled "An Act to amend an Act for the relief of executors and administrators—a bill explanatory of an act, passed December

14th 1831, entitled "An Act to equalize the tax on wholesale and retail merchants, jewelers, grocers and auctioneers"—and a bill to repeal, in part, an act entitled "An Act to define and extend the jurisdiction of Justices of the Peace," passed December 1831, which were severally read a first time and passed.

And then the Senate adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, SEPTEMBER 5, 1832.

Mr. Holman presented the resignation of John W. Ford, a justice of the peace for White county, which was read, accepted, and ordered to be transmitted to the House of Representatives.

Mr Polk presented the following report of the Chairman of Common School Commissioners for Maury county, to wit:

The Common School Commissioners for the county of Maury, in the State of Tennessee, report to the Honorable, the General Assembly of the State of Tennessee:

We have received from the bank agent for Maury county, on the 25th day of April, 1832, in notes under discount, the sum of twenty-one thousand four hundred and ninety-eight dollars, as principal, also notes as being for interest, ten hundred and fourteen 56–100 dollars; also in cash, as interest on hand, six hundred and thirty-three 59–100 dollars; also on the 20th June, 1832, received of the clerk of Maury county court, one hundred and eighty dollars, tax on retailers of spirits; we have apportioned and paid out to the regularly organized school districts in our county, the sum of thirteen hundred and six dollars, as being for the interest of the year 1831; also paid our clerk for his last year's salary, the sum of fifty dollars; we have had on the 5th May, 1832, a renewal of the notes received from the late bank agent, at which renewal we have received the sum of eight hundred and seventy-five 8–100 dollars interest.

There are seventy school districts in our county that have reported to us as being properly organized, and have already put schools into operation, or very shortly to be put into operation; twenty-one of which have reported progress, as will appear from the exhibit hereto appended. From neglect on the part of the trustees of districts, or from some other cause, some of our best schools have failed to make report of their progress; for the amount paid to teachers, the branches taught, and the number of scholars taught in each branch, also the average price of tuition, we refer to said exhibit. The children embraced by the law within these twenty-one school districts, are fourteen hundred and ninety-one; those of them who are receiving instruction in the schools now in operation in said districts, are nine hundred and fifty-two; many of those schools embrace neighborhoods that never have heretofore had a school taught in them; and many children are now receiving instruction in them, whose parents are unable to pay any thing for tuition, or to furnish

their children with books and paper, which are furnished to them by the trustees of their school districts. The usual practice pursued in the different school districts in our county, is to raise by voluntary contribution from the persons residing in districts, a sum sufficient, when added to their distributive share of the public fund, to pay the salary of the teacher. Schools are kept up and intended to be kept up during such months of the year as best suit the interest and convenience of a majority of the heads of families in the districts. All of which is respectfully submitted.

ROBERT WORTHAM,
Chairman Common School Commissioners, Maury County.

Attest: E. W. DALE, *Secretary.*

Exhibit by the Board of Common School Commissioners for Maury county, of the situation of Common Schools in said county, 29th August, 1832.

No of District.	Time school commenced.	Time taught.	Price pd teachers per month.	Price per scholar per month.	No. of scholars taught.	Alphabet.	Spelling.	Spelling, reading & writing	Writing and arithmetic.	Eng Grammar.	Geography.	Biography.	Classics.	Remarks.
3	Jly 2 1832	4½ mos	$12 87½	30 cts.	44	12		20	12	2	2			Very good progress.
8	April 1,	6 "	12 00	33 "	41		12	15	10	2	1			" " "
9		1½ "	20 00	34 "	57			32	18	6	1			" " "
10	June 18,	4 "	13 50	20 "	66	10	39	13	10	5	1			" " "
12	Aug. 20,		13 00	34 "	38	14	12	4	4	4	1			Good beginning.
13		10 "	22 00	55 "	40	6	5	10	4	5	1		2	Good progress.
15	April 30,	4½ "	13 00	42 "	31	00	11	12	8	3				" " "
19	Aug. 20,	3 "	15 00	55½ "	27	5	9	5	4	1				Good beginning.
21	Feb'y 1,	6 "	13 33⅓	38 "	35		6	23	8					Progress satisfactory
27		6 "	13 33⅓	40 "	100 "	12	00	00	21	20	13		6	Good Progress, 2 teachers
32			36 00		72									and 2 houses.
34	June 24,	3 "	17 00	32 "	52	12	12	22	20	13	7			Good progress.
35		3 "	13 33⅓	25 "	53	10	10	19	7	9	3	2		" " "
40		5 "	30 00	30½ "	45		16	25	15					" " "
43	Jan. 31,	11 "	49 50	60 "	66		22	23	19	3				" " "
46	" 1,	9 "	14 00	45 "	31		5	20	7	3				" " "
47		3 "	15 00	50 "	27	3	8	30	30	5				" " "
48	July 30,	4 "	9 14 00	65 "	60		5	15	3					" " "
49	Aug. 20,		17 00	15½ "	26		34	16	10					Good beginning.
50			15 00	50 "	30									Good progress.
58		3 "	8 00	10½ "	60									"

Ordered, that one thousand copies of the foregoing report be printed for the use of the Senate.

A resolution submitted on yesterday by Mr Gillespy, requesting the Mayor and Aldermen of the town of Nashville, to suspend the ringing of auction bells during the sitting of the legislature, was taken up, read and adopted.—*Ordered*, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr Frey, from the committee appointed to contract for stationery for the use of the Senate, reported, that the committee had contracted with Duncan Robertson & Son upon the following terms, to wit:—Cap paper No. 2, per ream, $4 00; Letter paper No. 2, $4 00; Wrapping paper $6 00; best Ink per gallon, $1 00; Waters per lb. $1 62½; Sand per dozen, $1 00; Quills per Hundred, No. 40, $2 00; Sperm Candles per lb. 40 cents.

Mr Burford moved to strike from the said report, the article "quills," for the purpose of substituting therefor, the common quills of the country, which motion being lost, said contract, as reported, was accepted by the Senate.

Mr Bradford submitted the following resolution:

Resolved, That this General Assembly will not take into consideration any subject of legislation, of a general nature, except those mentioned in the Governor's Message, as rendering the present session of the legislature necessary.

And also the following:

Resolved, That the bank committee be instructed to ascertain and divide amongst the several counties of this State, according to the basis and terms specified by the laws passed at the last session of the General Assembly, the entire funds of the State Bank.

Mr Holman introduced a bill to amend an act, entitled "An Act to authorize James M'Kinley and Lewis Fletcher, to open a turnpike road," passed 29th Nov. 1831—Mr Feild, a bill to authorize Lewis Brown, of Giles county, to build a mill—Mr Murray, a bill directory to the several tax collectors in the Western District—Mr Perkins, a bill for the relief of Joseph W. Parris—Mr Andrews, a bill for the benefit of James Hendricks, Silas Grider and others—and Mr Holman, a bill to repeal the second and fourth sections of the 66th chapter of an act, passed 16th November, 1821; which were severally read a first time and passed.

And then the Senate adjourned.

THURSDAY, SEPTEMBER 6, 1832.

Mr. Anderson presented the report of the Commissioners of Internal Improvement for East Tennessee, which was referred on motion of Mr. Anderson, to the appropriate Committee, with instructions to report thereon as soon as practicable.

Mr. Bradford's resolution of yesterday, confining the action of

the Legislature to the matters and things set forth in the Governor's Message, was taken up, read and rejected.

Mr Bradford's resolution of yesterday, directory to the Bank Committee, was taken up, read, and on motion of Mr. Bradford, ordered to lie on the table.

A message from the House of Representatives, by Mr. Campbell, their Clerk.

Mr. Speaker: The House of Representatives, concur in your resolution directory to the Bank Committee. They have adopted resolutions appointing Justices of the Peace for the Counties of Carroll, Grainger, Warren and Wilson, in which they ask your concurrence. The Speaker of the House of Representatives did this day sign an enrolled resolution, suspending the operations of an act entitled "an act making compensation to certain enterers and grantees, for their improvements between the two Kentucky Lines, passed the 4th November, 1831."—And then he withdrew.

The Speaker signed said enrolled resolution, and ordered it to be deposited in the office of the Secretary of State. The Senate concurred in the resolutions appointing Justices of the Peace for the counties of Carroll, Grainger, Wilson and Warren. Ordered, that the Clerk acquaint the House of Representatives therewith.

Mr. Holman introduced a bill to authorize James Johnson, guardian of the minor heirs of John K. Watkins, to sell certain lands,—Mr M'Iver, a bill for the benefit of John Autry of Henderson county—Mr Greene, a bill to amend and explain an act entitled an act for the benefit of Lucinda Allen, widow and relict of Wm. Allen deceased, and the legal heirs and representatives of said decedent, —Mr Wyly, a bill for the benefit of James Gass,—and Mr Gillespy, a bill to authorize the Judges of the Supreme Court to issue writs of ne exeat, injunction and mandamus—all of which were severally read a first time and passed.

And then the Senate adjourned.

FRIDAY, SEPTEMBER 7, 1832.

Mr. Andrews presented a memorial from sundry citizens of Humphreys County, in relation to the Internal Improvement fund set apart for that county, which was referred, on motion of Mr. Andrews, to the Committee on Internal Improvement for the Western District.

Mr Greene submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That the President and Directors of the Bank of the State of Tennessee, report to this General Assembly, as speedily as practicable, the exact amount of that portion of the capital of the State, specially reserved from the school fund, and not appropriated by the act of 1827, chapter 64, section one, being the one half of the moneys

arising from the sales of the Hiwassee lands, deducting from the said one half of said sales, the twenty-five per cent. allowed to purchasers by the acts of 1826 and '27, and the thirty-seven and an half per cent. allowed by the act of 1829, on the purchase money paid in under the provisions of said act,—also whether the moneys appropriated for the building of the Penitentiary, have been taken out of the fund so reserved by the act of 1827 above referred to, and (if so) what amount, and (if not) what fund did the moneys expended in the erection of the Penitentiary come from.

Mr Feild the following:

Resolved, That the Committee on land claims be instructed to report a bill for the purpose of appropriating the vacant lands South and West of the Congressional Reservation line by warrant, having respect to the claims of all persons holding by occupancy under any former law of the State.

Mr. Anderson, the following:

Resolved, That the Committee on Banks, be instructed to enquire and report the amount of interest paid over to the School Commissioners of the respective counties of this State, under the act of 1829.

And Mr. Feild, the following:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of establishing an Auditor's office for the State, as well as one for each county, and make report by bill or otherwise.

Mr Anderson returned with an amendment which was received, a bill to alter the times of holding the several District Chancery Courts therein mentioned.—Mr Gillespy asked and obtained leave to withdraw the same for further amendment.

Mr Gillespy introduced "a bill for the benefit of Henry Stephens of Monroe County," and a bill to divorce Ashly Johnson from his wife Sophronia Johnson—Mr M'Iver, a bill to establish the 127th regiment of the militia of this State, and a bill for the benefit of Anderson S. Britt,—Mr Anderson, a bill to authorize Abraham Keener of Knox county, to erect a mill dam on French Broad river, —Mr Holman, a bill to change the time of holding the Courts in the 3rd Judicial Circuit,—Mr Andrews, a bill for the benefit of C. G. Butler,—and Mr M'Clellan, a bill to authorize Joshua Shipley of Sullivan County, to raise his mill dam; all of which were severally read the first time and passed.

Received from the House of Representatives, a bill directing the manner in which the Court-house tax in Rhea county, shall be paid over by the tax collector,—a bill to encourage improvement in the erection of mills,—a bill to repeal an act entitled an act to appoint a commissioner on the Turnpike road leading through Morgan county, passed December 7, 1829, and, a bill to establish the 17th Solicitorial District of the State of Tennessee—all of which were severally read the first time and passed.

And then the Senate adjourned.

SATURDAY, SEPTEMBER 8, 1832.

Mr Brabson presented the report of the common school commissioners for Claiborne county, which was referred on motion of Mr Brabson to the committee on education and common schools.

Mr Brabson from the joint select committee, to whom was referred so much of the Governor's message as relates to the election of President and Vice President of the United States, reported that the committee had had the same under consideration, and had instructed him to report a bill prescribing the mode of choosing Electors to vote for President and Vice President of the United States;—said bill was read and on motion of Mr Gillespy again referred with instructions that the committee fill the blanks.

Mr Greene's resolution directory to the President and Directors of the Bank of the State of Tennessee, and Mr Feild's resolution of the same day instructing the committee on land claims to report a bill for the purpose of appropriating the vacant lands south and west of the Congressional reservation line by warrant, were taken up read and adopted.

Mr Anderson's resolution of yesterday directory to the committee on Banks, was taken up, read and amended by Mr Greene, requiring them to ascertain and report the amount of Academy funds paid over to the trustees of the several counties. The resolution was again read as amended, and on motion of Mr Burford ordered to lie on the table.

Mr. Feild's resolution of yesterday instructing the committee on finance to enquire into the expediency of establishing one Auditor's office for the State, as well as one for each county, was taken up, read, amended on motion of Mr Anderson, by requiring three instead of one for the State, and adopted.

Mr Gillespy introduced a bill to amend an act entitled an act to settle the controversy between the Colleges and Academies and the citizens of French Broad and Holston, and west of Big Pigeon rivers, passed 31st December 1829—Mr Wyly, a bill to authorize Henry Ripley of the county of Greene to emancipate his slave William—Mr Anderson, a bill for the relief of Patrick Carey—and Mr Greene, a bill for the benefit of Martha Falls, which were severally read a first time and passed.

Mr Gillespy returned with an amendment in lieu of the whole from the enacting clause, a bill to alter the times of holding the several district chancery courts therein mentioned; said amendment was received, the bill read as amended a second time and passed.

And then the Senate adjourned.

MONDAY, SEPTEMBER 10, 1832.

Mr Davis presented the petition of John Butler praying to be divorced from his wife Sarah, which was referred on motion of Mr Davis to the committee on Divorces.

Mr Wyly presented the petition of the Trustees of Greenville College--and Mr Douglass the petition of the Trustees of Logado Academy, and of Common School District No. 36, which were severally read and referred to the committee on Education and Common Schools.

Mr Brabson from the joint select committee to take into consideration so much of the Governor's message as relates to the election of President and Vice President of the United States, to whom was recommitted a bill prescribing the mode of choosing Electors to vote for President and Vice President of the United States, reported that the committee had performed the duty assigned them, and had instructed him to recommend the passage of the bill; said bill was then read a first time and passed.

A message from the House of Representatives by Mr Campbell, their clerk—

Mr Speaker: The House of Representatives have adopted a resolution appointing David R. Mitchell a Justice of the Peace for Maury county, Zachariah H. Murrell a Justice of the Peace for the county of Franklin, and Washington Lowe a Justice of the Peace for the county of Montgomery; they have adopted a resolution providing for the appointment of a joint select committee to which shall be referred such petitions and documents as may be presented in favor of, and adverse to the establishment of a new county, to be taken from the territory composing the counties of Franklin, Warren and Bedford, and have appointed Mr George Gray, Mr Paris, Mr Kincaid and Mr Gillespy to be of said committee on the part of the House of Representatives.—And then he withdrew.

Said resolutions were concurred in by the Senate, and the Speaker appointed Mr Perkins and Mr Lytle to be of the committee raised by the last mentioned resolution on the part of the Senate. Ordered, that the clerk acquaint the House of Representatives therewith.

Mr Murray introduced a bill to amend an act entitled an act to establish Boards of Internal Improvement in the several counties of this State, lying west of Tennessee river, and for other purposes--passed December 1831—and Mr Brabson, a bill to authorize the trustees of Claiborne county to pay over certain moneys therein mentioned—Mr Murray introduced a bill for the relief of Samuel M'Craw, or his legal representatives—Mr Andrews, a bill to divorce John Davenport from his wife Jane Davenport—Mr Gillespy, a bill to divorce Nancy Banta from her husband Peter Banta, and a bill for the relief of Thomas Maxwell of Blount county—and Mr Davis, a bill for the relief of Gabriel Fowlks late sheriff of Hickman county, all of which were severally read a first time and passed.

Mr Polk presented a memorial from the Chairman and Secretary of the Bank Convention, which was read at the clerks table, and ordered to be transmitted to the House of Representatives—Mr Polk also introduced a bill establishing a Bank in the State of Tennessee, in accordance with the prayer of the petitioners, and moved that one hundred copies thereof be printed for the use of the two Branches of the General Assembly.

Mr Perkins submitted the following resolution:

Resolved, That the Treasurer of Middle Tennessee, be, and he is hereby required to report to the Senate the amount of taxes, which has been paid into the State Treasury from the county of Warren, arising from the lands entered, the taxes of which are to go to the use of common schools, and which were by law directed to be paid into the Bank Agency of said county, and that in making the report he shall designate the years, and the sums paid in each year.

Mr Wyly asked and obtained leave to withdraw for amendment a bill to alter the times of holding the district chancery courts therein mentioned.

And then the Senate adjourned.

TUESDAY, SEPTEMBER 11, 1832.

Mr M'Clellan presented the petition of Joseph Rogers of Hawkins county, which was referred on motion of Mr M'Clellan to the committee on Land Claims.

Mr Murray presented the petition of sundry citizens of Humphreys county praying that a law be passed to authorize George Greer, to open a turnpike road across the bottom of Big Sandy at Greer's ferry, which was referred on motion of Mr Murray to the committee on Internal Improvement for the Western District.

A resolution submitted on yesterday by Mr Perkins requiring the Treasurer of Middle Tennessee to report to the Senate the amount of taxes paid into the Treasury from the county of Warren, arising from the lands entered, the taxes of which are to go to the use of common schools which were directed by law to be paid into the Bank Agency of said county, was taken up, read and amended on motion of Mr Burford by striking therefrom the words "county of Warren," and inserting in lieu thereof, the words "several counties of this State;" said resolution was then on motion of Mr Davis ordered to lie on the table.

Mr Greene submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the commitee on education be instructed to enquire into the expediency of converting and vesting that portion of the capital of the State now funded for the support of common schools in State stock to be applied as this General Assembly shall deem best calculated to promote the general interests, and on which the State shall pay to the support of common schools, a reasonable interest to be applied and paid over to the several counties of this State on the basis of free population as now provided by law, and that they report thereon.

A message from the House of Representatives by Mr Campbell, their clerk—

Mr. Speaker: The House of Representatives have adopted a resolution appointing Justices of the Peace for the counties of Sumner, Wilson and Henry, and a resolution appointing Justices of the

Peace for the county of Warren, in which they ask the concurrence of the Senate;—said resolutions were concurred in by the Senate. Ordered, that the clerk acquaint the House of Representatives therewith.

Mr Gillespy introduced a bill to authorize the Judges of the circuit courts to sign bills of exceptions in certain cases—Mr Wyly, a bill to regulate the payment of costs in State prosecutions where defendants are acquitted—Mr M'Iver, a bill to establish the town of Porterville in the county of Tipton—and Mr Burford, a bill to amend an act for the benefit of John Walters and others of Smith county, passed December 6th 1831, all of which were severally read a first time and passed.

Received from the House of Representatives, a bill prescribing the duty of surveyors in certain cases—a bill for the benefit of Joseph Black—a bill for the benefit of Montgomery Stewart—and a bill to amend the penal laws of this State—a bill to increase the tax on shows—a bill for the benefit of John J. Williams—a bill to divorce Elisha Gower, from his wife Jemimah—a bill to repeal an act entitled an act to regulate the fees of the clerks of the different courts of this State, passed December 16th 1831—a bill to enable the executors of Samuel Cutchin dec'd. to bring from the State of Virginia a grandson of said Cutchin—a bill to authorize Jesse Lincoln, Anthony Dibrell, Wm. Usry and Jesse Allen to keep in repair a turnpike road—a bill reducing the sum of one hundred dollars for keeping in repair the bridge over the Calf Killer at Sparta—a bill appointing additional trustees to the Female Academy at Athens—and a bill concerning county trustees, all of which were severally read a first time and passed.

A bill authorizing the commissioners of school lands to establish additional school districts, was withdrawn by Mr Murray for amendment.

A bill for the relief of Wm. S. Howell—a bill for the relief of certain citizens of Hawkins county—and a bill for the relief of William Plumlee, were severally read a second time and passed.

Received from the House of Representatives, a bill to extend the time for receiving and filing claims for adjudication by the Secretary of State, which was referred on motion of Mr Davis to the committee on land claims.

The Senate took up a bill for the benefit of Henry Bettis. Mr Holman offered an amendment thereto, making the same provisions for Allen L. Mitchell, which was received; the bill was then read as amended a second time and passed.

Mr Anderson asked and obtained leave to withdraw for amendment, a bill prescribing the mode of choosing Electors to vote for President and Vice President of the United States.

Mr Wyly returned without amendment, a bill to alter the times of holding the several district chancery courts therein named, which was read a third time and passed.

A bill directing the manner in which the court house tax in Rhea county shall be paid over by the tax collector—a bill to authorize

Joshua Shipley of Sullivan county to raise his mill dam—a bill to authorize Abram Keener of Knox county to erect a mill dam on French Broad river—a bill for the benefit of James Gass—and a bill to authorize Lewis Brown to build a mill, were severally read a second time and passed.

Mr Gillespy introduced a bill to provide for certifying bills of costs in criminal cases, which was read a first time and passed.

Mr Polk submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in their Hall, on Thursday the 20th Inst., for the purpose of electing a Senator to the Congress of the United States, from and after the 4th of March next, at which time the term of service of the present incumbent will expire.

The Senate took up a bill to compensate Wm. P. Smith. Mr M'Clellan moved to amend said bill by providing that he should be compensated out of the School fund of Roane county, instead of the State Treasury, which motion prevailed. Said bill was read as amended a second time and passed.

A bill to encourage improvement in the erection of mills, was referred on motion of Mr Brabson, together with an amendment offered thereto by Mr Perkins, to the Committee on the Judiciary.

Mr Gillespy from the joint select committee, to whom was referred so much of the Governor's Message as relates to laying off the Congressional Districts, reported a bill to divide the State of Tennessee into Districts, for the election of Representatives in the Congress of the United States. Said bill provides that the counties of Carter, Washington, Greene, Cocke and Jefferson, shall compose the 1st district; that the counties of Sullivan, Hawkins, Claiborne, Grainger and Campbell, shall compose the second; that the counties of Anderson, Knox, Sevier, Blount and Monroe, shall compose the third; that the counties of Morgan, Roane, M'Minn, Rhea, Hamilton, Bledsoe and Marion, shall compose the fourth; that the counties of Fentress, Overton, White, Warren and Franklin, shall compose the fifth; that the counties of Jackson, Smith and Wilson, shall compose the sixth; that the counties of Sumner, Davidson and Dickson, shall compose the seventh; that the counties of Rutherford, Williamson and Hickman, shall compose the eighth; that the counties of Bedford and Maury, shall compose the ninth; that the counties of Lincoln, Giles, Lawrence, Wayne and Hardin, shall compose the tenth; that the counties of Robertson, Montgomery, Stewart, Humphreys and Perry, shall compose the eleventh; that the counties of Obion, Henry, Carroll, Gibson, Weakley, Dyer, Tipton and Haywood, shall compose the 12th; and that the counties of Madison, Hardeman, M'Nairy, Henderson, Fayette and Shelby, shall compose the 13th District.

Mr Bradford moved a non-concurrence, and offered the following in lieu of the 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th districts, to wit: Fentress, Overton, White, Jackson and Smith, with a federal population of 49430, to compose the 5th district; Warren,

Franklin and Lincoln, with a federal population of 49346, to compose the 6th; Montgomery, Robertson, Dickson, Stewart, Hickman and Humphreys, with a federal population of 50428, to compose the 7th; Maury and Williamson, with a population of 46586, to compose the 8th; Rutherford and Bedford, with a population of 50850, to compose the 9th; Davidson, Wilson and Sumner, with a federal population of 64251, to compose the 10th; Henry, Carroll, Gibson, Weakley, Obion and Dyer, with a federal population of 33134, to compose the 11th; Madison, Haywood, Hardeman, Fayette, Shelby and Tipton, with a federal population of 41680, to compose the 12th; and Giles, Lawrence, Wayne, Hardin, Perry, Henderson and M'Nairy, with a federal population of 52882, to compose the 13th District. Said report and amendment were on motion of Mr Brabson, ordered to the table.

And then the Senate adjourned.

WEDNESDAY, SEPTEMBER 12, 1832.

Mr Perkins presented the petition of sundry citizens of Warren County, in behalf of Jacob Wolf—which was referred on motion of Mr Perkins, to the committee on Propositions and Grievances.

Mr Polk presented the petition of sundry citizen of Maury county, in relation to a tract of School Land, one fourth of which lies in Bedford county—which was read, and referred on motion of Mr Polk, to the committee on Education and Common Schools.

Mr Greene's resolution of yesterday, directory to the committee on Education, was taken up, read and adopted.

Mr Polk's resolution of yesterday, requiring the Senate to meet the House of Representatives, in their Hall on Thursday the 20th inst., for the purpose of electing a Senator to the Congress of the United States, was taken, read, and, on motion of Mr Polk, ordered to the table.

Mr Gillespy submitted the following:

Resolved, That the Bank committee be instructed to inquire into the expediency of authorizing the Governor to employ additional council for the Bank of the State of Tennessee.

And the rule requiring resolutions to lie one day on the table, being suspended, said resolution was adopted.

Mr Holman, introduced a bill to repeal an act, passed on the 14th day of October 1831, chapter 3,—Mr Anderson, a bill to extend the jurisdiction of the Circuit Courts of this State—and Mr Gillespy, a bill concerning Forrest Hill Academy in the county of M'Minn, which were severally read a first time and passed.

Mr Anderson returned with sundry amendments, a bill prescribing the mode of choosing electors of President and Vice President of the United States; said amendments were received, and the bill being further amended by Mr Brabson, was put upon its passage,

and the question thereon being had, shall the bill pass, it was determined in the affirmative—ayes 14, noes 6. The ayes and noes being constitutionally demanded by Mr Greene,

The affirmative voters are, Mr Speaker, Anderson, Andrews, Burford, Davis, Feild, Frey, Gillespy, Holman, Jetton, Lytle, M'Iver, Murray and Polk—14.

The negative voters are, Mr Brabson, Bradford, Greene, M'Clellan, Perkins and Wyly—6.

And so said bill passed its second reading.

A message from the House of Representatives, by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives, did this day sign an enrolled bill, entitled "an act to alter the times of holding the several District Chancery Courts therein named," an enrolled resolution appointing Justices of the Peace for the counties of Warren, Sumner, Henry and Wilson, and a resolution appointing Justices of the Peace for the counties of Franklin, Maury and Montgomery.

Said enrolled bill and resolution were signed by the Speaker of the Senate, and ordered to be deposited in the office of the Secretary of State.

On motion of Mr Holman, the Senate took up "a bill to divide the State of Tennessee into Districts, for the election of Representatives in the Congress of the United States," and after some discussion being had thereon, Mr Brabson moved to lay the bill on the table, and the question thereon being had, it was determined in the negative—ayes 8, noes 12. The ayes and noes being demanded constitutionally by Mr Holman,

The affirmative voters are, Mr Anderson, Brabson, Davis, Frey, Gillespy, Lytle, Perkins and Polk—8.

The negative voters are, Mr Speaker, Andrews, Bradford, Burford, Feild, Greene, Holman, Jetton, M'Clellan, M'Iver, Murray and Wyly—12.

And so said motion was lost.

Mr Gillespy then moved the previous question, and the question thereon being had, "will the Senate consider the previous question," it was determined in the negative—ayes 6, noes 13. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Anderson, Feild, Gillespy, Lytle, Perkins and Polk—6.

The negative voters are, Mr Speaker, Andrews, Brabson, Bradford, Davis, Frey, Greene, Holman, Jetton, M'Clellan, M'Iver, Murray and Wyly—13.

And so the Senate refused to consider the previous question.

Mr Holman then offered the following in lieu of Mr Bradford's amendment to said bill, to wit: the counties of Fentress, Overton, Jackson, White and Smith containing a federal population of 47645 to compose the 5th district; the counties of Warren, Franklin and Lincoln with a federal population of 49226, to compose the 6th; the counties of Davidson and Wilson with a federal population of

46574 to compose the 7th; the counties of Bedford and Rutherford with a federal population of 50810 to compose the 8th; the counties of Williamson, Maury and Hickman with a federal population of 53961 to compose the 9th; the counties of Sumner, Robertson, Montgomery and Dickson with a a federal population of 48126 to compose the 10th; the counties of Giles, Lawrence, Wayne, Hardin, Perry, Henderson and Humphreys, containing a federal population of 53109 to compose the 11th; the counties of Stewart, Carroll, Henry, Weakley, Obion, Dyer and Gibson containing a federal population of 39573 to compose the 12th; and that the counties of M'Nairy, Hardeman, Fayette, Shelby, Tipton, Haywood and Madison, containing a federal population of 47059 to compose the 13th district.

Mr Polk moved to lay the bill with the proposed amendments on the table until Monday next, and the question thereon being had, it was determined in the affirmative, ayes 13, nays 7. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are Mr Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Frey, Gillespy, Holman, Lytle, Perkins and Polk—13.

The negative voters are Mr Feild, Greene, Jetton, M'Clellan, M'Iver, Murray and Wyly—7.

And so said motion prevailed.

The Senate took up on its third and last reading in both Houses, a bill for the relief of certain citizens of Hawkins county. Mr Burford moved to amend the caption of said bill by substituting therefor the following, "a bill to release certain citizens of Hawkins county, from the payment of fines, who stand indicted for gaming," which motion prevailed.—Ordered, that the clerk do by message inform the House of Representatives therewith, and ask their concurrence therein.

A message from the House of Representatives by Mr Campbell their clerk—

Mr Speaker: The House of Representatives have adopted a resolution appointing a Justice of the Peace for Bedford county, in which they ask the concurrence of the Senate.

Said resolution was concurred in.—Ordered, that the clerk acquaint the House of Representatives therewith.

A bill for the relief of James Whitsett, was referred on motion of Mr Brabson to the committee on Land Claims.

Mr Greene withdrew for amendment a bill to divorce Ashly Johnson from his wife Sophronia.

A bill for the benefit of Henry Stevens of Monroe county, was referred on motion of Mr Davis to the committee on Finance.

A bill to divorce Samuel Walker of the county of Overton, from his wife Elizabeth, was referred on motion of Mr Feild to the committee on Divorces.

A bill for the benefit of Anderson S. Britt—a bill for the benefit of James K. Suddath and John Woody—a bill for the relief of James Parris—a bill to authorize the judges of the supreme court

to issue writs of injunction, ne exeat and mandamus—a bill for the benefit of John Autry—a bill to amend and explain an act entitled an act for the benefit of Lucinda Allen, widow and relict of Wm. Allen dec'd. and the legal heirs and representatives of said decedent—a bill to establish the 127th regiment of the militia of this State—a bill to amend an act entitled an act to authorize James M'Kinley and Lewis Fletcher to open a turnpike road—a bill for the benefit of James Hendricks, Silas Grider and others—a bill to authorize Aaron Armstrong to erect a mill dam on Holston river in Knox county—and a bill to change the time of holding the courts in the third judicial circuit, were severally read a second time and passed.

Mr Wyly asked and obtained leave to withdraw for amendment, a bill directory to the several tax collectors in the Western District.

Received from the House of Representatives, a bill to authorize Julius Dugger to build a bridge across Watauga river—a bill to incorporate the inhabitants of the town of Newport—a bill limiting the time of making surveys of entries—a bill to repeal the 2d and 3rd sections of an act of 1827, chapter 19—and a bill to amend an act entitled an act, making compensation to certain enterers and grantees for their improvements between the two Kentucky lines; all of which were severally read a first time and passed.

And then the Senate adjourned.

THURSDAY, SEPTEMBER 13, 1832.

Mr Wyly presented the petition of Sarah Stacy, for a divorce from her husband Zachariah Stacy, which was referred, on motion of Mr Wyly, to the committee on divorces.

Mr Holman presented the petition of sundry citizens, praying the passage of a law, granting to Jesse Allen, Sen. a charter for a turnpike road, leading from Sparta in White county, to Liberty in Smith county, which was referred, on motion of Mr Holman, to the committee on Internal Improvement.

Mr Murray presented petitions of sundry citizens of Obion county, praying that John Polk, Wm. Miller, Alfred Lomax, John M'Neely and Lysander Adams, be appointed a Board of Internal Improvement for said county of Obion; and praying that the act passed by the General Assembly of the State of Tennessee, in December 1831, making appropriation to the several counties in said State, west of the Tennessee river, for Internal Improvements, may be revived, &c. all of which were referred, on motion of Mr Murray, to the committee on Internal Improvement, for the Western District.

A resolution heretofore submitted by Mr Perkins, instructing the Treasurer of Middle Tennessee, to report to the Senate the amount of taxes which were paid into the State Treasury from the several counties of this State, arising from the lands entered, the taxes of which were to go to the use of common schools, &c. was, on motion of Mr Perkins, taken up and read.

Mr Burford offered the following, which was received and adopted, in lieu thereof.

Resolved, That the committee on finance be, and they are hereby instructed to inquire into and report to the present General Assembly, the number of acres of land in the several counties in this State, the tax on which is to go to the support of common schools, the number of acres listed for taxation in each county, for the different years commencing with the year 1825; and the amount paid by the respective sheriffs or collectors in each county, to the common school Commissioners, as taxes collected on said lands in their respective counties; and also the amount paid by the respective sheriffs or collectors in this State into the Treasury, as taxes collected on such lands; and the appropriation or application of the same by the Treasurer or Treasurers, as the case may be, together with such further information touching the foregoing subjects, as to said committee may seem proper.

Mr Holman introduced a bill to pay the clerks of the supreme and chancery courts for their books—Mr Anderson, a bill for the benefit of common schools, colleges and academies, in this State—and a bill to repeal so much of the act of 1827, as allows defendants two days after judgment to stay execution or take an appeal—Mr Gillespy, a bill to compel clerks to do their duty—and Mr Anderson, a bill prescribing the fees of sheriffs for executing summons under the provisions of an act of 1831, all of which were severally read a first time and passed.

A resolution heretofore submitted by Mr Bradford, directory to the bank committee was taken up, read and adopted.

Mr Greene returned, with an amendment, providing for the divorce of Polly Farmer, a bill to divorce Ashly Johnson, from his wife Sophronia, which, being further amended by Mr Gillespy, and the caption thereof being changed so as to read, "a bill to divorce the persons therein named," was read as amended a second time and passed.

A bill for the relief of P. Carey, was referred, on motion of Mr Frey, to the committee on claims.

Mr Anderson asked and obtained leave to withdraw for amendment, a bill to amend an "act for the benefit of John Walters and others, of Smith county," passed Dec. 17th 1831, chap. 194, sec. 1.

Mr Murray returned, with an amendment, which was received, a bill authorizing the commissioners of school lands, to establish additional school districts, which, being further amended by Mr Bradford, was read a first time and passed.

A bill to authorize the Judges of the circuit court, to sign bills of exceptions in certain cases, was referred, on motion of Mr Feild, to the committee on the judiciary.

Received from the House of Representatives, a bill to provide for the taking the enumeration of the free male inhabitants of this State—a bill for the relief of Wm. Turner and others—a bill for the benefit of Elisha C. Jones—a bill making further provision for the recovery of distributive shares and filial portions—and a bill to fix and

equalize the tax on certain property, all of which were severally read a first time and passed.

A bill prescribing the duty of Surveyors in certain cases—a bill for the benefit of Montgomery Stewart—a bill for the benefit of Joseph Black—a bill to repeal an act, entitled "An Act to appoint a commissioner on the turnpike road leading through Morgan county," passed Dec. 7th, 1829—a bill for the benefit of George Gordon—a bill for the benefit of C. G. Butler—a bill for the relief of Martha Falls—a bill to authorize Henry Ripley of Greene county to emancipate his slave—and a bill to amend an act for the benefit of John Walters and others of Smith county, were severally read a second time and passed.

A bill to divorce John Davenport from his wife, Jane Davenport, was referred, on motion of Mr Anderson, to the committee on divorces.

A bill prescribing the mode of choosing electors to vote for President and Vice President of the United States, was read a third time and passed.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker—The House of Representatives have adopted a resolution, that the Senate meet them in their hall, on Friday the 21st inst. for the purpose of electing an Attorney General for the 6th Solicitorial district, and Entry Takers for the counties of Greene and Campbell, in which they ask your concurrence. The House of Representatives concur in the Senate's amendment to a bill for the relief of certain citizens of Hawkins county.—And then he withdrew.

The Senate concurred in the foregoing resolution, and ordered the clerk to acquaint the House of Representatives therewith.

The caption of the said bill, for the benefit of certain citizens of Hawkins county, was then amended so as to read, "a bill to release certain citizens of Hawkins county from the payment of fines, who stand indicted for gaming"—and was put upon its passage; and thereupon the question being had, "shall the bill pass?" it was determined in the negative—Ayes 6, Noes 14. The Ayes and Noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Brabson, Gillespy, Holman, Lytle, M'Clellan and Perkins—6.

The negative voters are, Mr Speaker, Anderson, Andrews, Bradford, Burford, Davis, Feild, Frey, Greene, Jetton, M'Iver, Murray, Polk, Wyly—14.

And so said bill was rejected.

Mr Feild submitted the following:

Resolved, That the Senate meet the House of Representatives in their Hall on the 21st inst. for the purpose of electing an entry taker for the county of Giles, and a surveyor for the county of Greene.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.—Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Received from the House of Representatives, a bill to authorize the Register of the Western District to issue a grant on entry No. 778—a bill to change the time of holding the circuit of Henry county—a bill to divorce Mahala Shaw from her husband Geo. W. Shaw—and a bill for the benefit of Thomas J. Barker, a free man of color, all of which were severally a first time and passed.

And then the Senate adjourned.

FRIDAY, SEPTEMBER 14, 1832.

Mr M'Clellan presented the resignation of Joseph C. Rhea, a Justice of the Peace for Sullivan county, which was read, accepted and ordered to be transmitted to the House of Representatives.

Mr Murray presented a memorial from the members of the county court of Obion county, praying that the Internal Improvement fund set apart for that county, be appropriated to the payment of the balance of the court house debt of said county, which was referred on motion of Mr Murray to the committee on Internal Improvement for the Western District.

A message from the House of Representatives by Mr Campbell, their clerk—

Mr Speaker: The Speaker of the House of Representatives did this day sign enrolled resolutions appointing Justices of the Peace for the counties of Bedford, Fayette, Sumner and White.—And then he withdrew.

The Speaker of the Senate signed said enrolled resolutions, and ordered them to be deposited in the office of the Secretary of State.

Mr Wyly submitted the following:

Resolved by the General Assembly of the State of Tennessee, That a joint select committee be appointed to take into consideration the propriety of repealing a law passed at the last session of the General Assembly entitled an act to regulate the fees of the clerks of the different courts of this State, and of reporting a bill in lieu thereof.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted. The Speaker appointed Mr Wyly, Greene, Feild and Burford, to be of said committee on the part of the Senate.—Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr Greene asked and obtained leave to spread upon the Journals the following, to wit:

"The reasons that induced us to vote against a bill prescribing the mode of choosing electors to vote for President and Vice President of the United States, were, first, that we disapproved of the mode of choosing electors as prescribed in said bill, it being, as is believed under existing circumstances, an uncalled for, and inexpedient innovation on the long established mode heretofore adopted and practised in this State, in choosing electors to vote for President and Vice President of the United States. Second, the old district, sys-

tem seems evidently to claim a preference over the general ticket system, as affording the freemen of the State an opportunity of exercising untrammelled, the elective franchise, in the choice of an elector in each district, from among such persons, residing therein, as from personal acquaintance, affords the opportunity of making a judicious choice."

A bill for the benefit of Gabriel Fowlks late sheriff of Hickman county—a bill for the relief of Samuel M'Craw or his legal representatives—a bill to authorize the trustee of Claiborne county to pay over certain moneys therein mentioned—a bill for the benefit of John J. Williams and others—a bill to enable the executors of Samuel Cutchin dec'd. to bring from Virginia a grandson of said Cutchin—a bill appointing additional trustees to the female academy at Athens—a bill concerning county trustees—and a bill to provide for certifying bills of costs, were severally read a second time and passed.

A bill to divorce Nancy Banta from her husband Peter Banta—and a bill to divorce Elisha Gower from his wife Jemima, were severally read and referred to the committee on Divorces.

Mr Speaker Douglass presented a communication from the common school commissioners of Grainger county, which was referred on motion of Mr Brabson to the committee on education and common schools.

Mr Gillespy introduced a bill to prevent unnecessary suits and delays—Mr Andrews, a bill to authorize Miram Kennedy to sell at private sale or otherwise the tract of land on which she now lives, lying in the county of Perry—Mr Brabson, a bill for the benefit of the clerk of the circuit court of Jefferson county—Mr Holman, a bill to repeal all laws authorizing judgments to be taken by motion without notice first being given—Mr Greene, a bill for the benefit of Wright Roberts —and Mr Bradford, a bill in relation to suits for the recovery of school lands, all of which were severally read a first time and passed.

A bill to authorize Joshua Shipley of Sullivan county to raise his mill dam—a bill to authorize Abram Keener of Knox county to erect a mill dam on French Broad river—a bill for the benefit of James Hendricks, Silas Grider and others—and a bill to amend an act entitled an act to authorize James M'Kinley and Lewis Fletcher to open a turnpike road, passed 29th November 1831, were severally read a third time and passed.

A bill to regulate the payment of costs in State prosecutions where defendants are acquitted, was referred on motion of Mr Gillespy to the committee on retrenchment.

A bill to amend an act entitled an act to establish Boards of Internal Improvement in the several counties west of Tennessee river, and for other purposes—passed December 1831, was referred on motion of Mr Murray to the committee on Internal Improvement in the Western District.

A bill to amend and explain an act entitled an act to abolish imprisonment for debt, passed 14th December 1831, was taken up and read.

Mr Murray offered an amendment in lieu of the whole from the enacting clause, which together with the bill, was referred on motion of Mr Feild to the Judiciary committee.

Received from the House of Representatives, a bill to reduce the toll upon salt wagons and vehicles hauling salt through Bean's Station turnpike gate—a bill to amend an act passed 17th December 1831 to authorize the counties of Robertson, Montgomery and Dickson to appeal to the supreme court at Nashville—a bill for the relief of Geo. W. Shackleford—a bill to amend an act entitled an act giving further time for surveying entries and obtaining grants thereon—a bill for the benefit of the common schools in Carter county—a bill to reduce the fees of county Registers—a bill to prevent petty law suits—a bill to encourage the raising of fine horses in this State—a bill to divorce Sarah Rodgers, from her husband George Rodgers—a bill to authorize James B. Reynolds and Joseph P. Thomas to build a bridge across Red river—a bill to amend the 1st section of the act of 1831 chapter 16—a bill to incorporate the inhabitants of the town of Elizabethton, in the county of Carter—a bill directing the manner of taxing costs in proceedings on scire facias—a bill for the relief of the occupants south and west of the Congressional reservation line—a bill to explain and amend an act entitled an act more amply to provide for the poor—a bill to repeal so much of an act entitled an act concerning free persons of color, and for other purposes, passed December 16th 1831, as requires the emancipators of slaves to remove them without the limits of the State—and a bill to furnish each of the Surveyors General of this State with the 2d volume of Haywood and Cobbs' Revisal, all of which were severally a first time and passed.

Mr Anderson submitted the following:

Resolved, That any bill or resolution, rejected by the Senate may be reconsidered at any time within three days inclusive after the same shall have been rejected, a majority voting therefor, and that this be made a rule in lieu of the 18th rule for the government of the Senate.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was put upon its adoption and rejected.

Mr Anderson then moved a suspension of the 18th rule for the government of the Senate, which prevailed—and thereupon moved a reconsideration of the bill rejected on yesterday to release certain citizens of Hawkins county from the payment of fines who stand indicted for gaming; and the question thereon being had, will the Senate reconsider the vote taken on said bill, it was determined in the affirmative—ayes 10, noes 9. The ayes and noes being demanded constitutionally by Mr Davis,

The affirmative voters are Mr Anderson, Brabson, Burford, Gillespy, Holman, Lytle, M'Clellan, M'Iver, Perkins and Wyley—10.

The negative voters are Mr Speaker, Andrews, Bradford, Davis, Feild, Frey, Jetton, Murray and Polk—9.

And so said bill was reconsidered.

Mr M'Clellan asked and obtain leave to withdraw the same for amendment.

Mr Holman presented a memorial from John Newnan, which was read, and ordered to be transmitted to the House of Representatives.

Mr Polk presented the petition of Thomas Harney, which was read and referred on motion of Mr Polk to the committee on Land Claims.

A bill to amend an act entitled an act for the benefit of John Walters and others of Smith county, passed December 17th 1831, chapter 194, section 1—a bill to amend and explain an act entitled an act for the benefit of Lucinda Allen, widow and relict of Wm. Allen dec'd. and the legal heirs and representatives of said decedent—a bill to establish the 127th regiment of militia in this State—and a bill for the relief of Martha Falls, were severally read a third time and passed.

A bill for the benefit of Joseph Black and John N. Brown, was read the third and last time in both Houses, passed and ordered to be enrolled.

And then the Senate adjourned.

SATURDAY, SEPTEMBER 15, 1832.

Mr Feild presented a memorial from C. Strong and R. Hightower, with other documents, and a bill for the relief of C. Strong, which were referred, on motion of Mr Feild, to the Committee on Land Claims.

Mr Polk from the committee on enrolled bills, reported as correctly enrolled, a bill for the benefit of Joseph Black and John N. Brown. Said bill was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr Speaker Douglass, presented the resignation of Samuel G. Smith, as a Bank Director, which was read, accepted, and ordered to be transmitted to the House of Representatives.

Mr Feild returned with an amendment in lieu of the whole, a bill to authorize Lewis Brown, of Giles county, to build a mill. Said amendment was received, the bill read as amended a third time and passed.

Mr Holman returned with an amendment which was received, a bill reducing the sum of one hundred dollars, now annually appropriated to keeping in repair, the bridge across the Calf Killer, at Sparta, to $20. Said bill was read as amended a second time and passed.

Mr M'Clellan returned with an amendment which was received, a bill to release certain citizens of Hawkins county from the payment of fines, who stand indicted for gaming; and the bill being upon its third and last reading in both Houses, it was ordered, that the Clerk do, by message, propose said amendment to the House of Representatives, and ask their concurrence therein.

On motion of Mr Burford, ordered, that the order made on Thursday last, laying the bill to divide the State of Tennessee, into Districts, for the election of Representatives in the Congress of the United States, together with the amendments offered thereto by Mr Bradford and Mr Holman, on the table, and making them the order of the day for Monday next, be rescinded.

Said bill as reported by the joint committee, and the said amendments thereto, were taken up on motion of Mr Burfod, and read, and the question recurring on the amendment offered by Mr Bradford, and being thereupon put, "will the Senate receive said amendment," it was determined in the negative—ayes 10, noes 10. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Anderson, Andrews, Bradford, Davis, Frey, Holman, Jetton, M'Iver, Murray and Perkins—10.

The negative voters are, Mr Speaker, Brabson, Burford, Feild, Gillespy, Greene, Lytle, M'Clellan, Polk and Wyly—10.

And so said amendment was rejected.

The question then recurred upon the amendment submitted by Mr Holman, in lieu of a part of the report of the committee, and thereupon the question was submitted, "will the Senate receive said amendment," and determined in the affirmative—ayes 11, noes 9. The ayes and noes being demanded constitutionally by Mr Feild,

The affirmative voters are, Mr Speaker, Anderson, Andrews, Bradford, Burford, Davis, Frey, Holman, Jetton, M'Iver and Perkins—11.

The negative voters are, Mr Brabson, Feild, Gillespy, Greene, Lytle, M'Clellan, Murray, Polk and Wyly—9.

And so said amendment was received.

Mr Andrews offered the following in lieu of the amendment just received, to wit: that the counties of Fentress, Overton, Jackson, White and Smith, with a federal population of 47645, shall compose the 5th District; that the counties of Warren, Franklin and Bedford, with a federal population of 56924, shall compose the 6th district; that Rutherford, Wilson, Sumner, Davidson and Williamson, containing a federal population of 99350, shall compose the 7th and 8th districts, and be entitled to two representatives; that the counties of Robertson, Montgomery, Dickson, Hickman, Stewart and Humphreys, with a federal population of 50389, shall compose the 9th district; that the counties of Maury, Giles and Lincoln, with a federal population of 56845, shall compose the 10th; that the counties of Lawrence, Wayne, Hardin, Perry, Henderson and M'Nairy, with a federal population of 36443, shall compose the 11th district; that the counties of Henry, Carroll, Gibson, Dyer, Obion and Weakley, with a federal population of 33165, shall compose the 12th; and that the counties of Madison, Haywood, Tipton, Shelby, Fayette and Hardeman, with a federal population of 41511, shall compose the 13th district; and thereupon the question being had, "will the Senate receive said amendment," it was determined in the affirmative—ayes 11, noes 9. The ayes and noes being demanded constitutionally by Mr Davis,

The affirmative voters are, Mr Anderson, Andrews, Davis, Feild, Frey, Gillespy, Greene, M'Clellan, M'Iver Murray and Wyly—11.

The negative voters are, Mr. Speaker, Brabson, Bradford, Burford, Holman, Jetton, Lytle, Perkins and Polk—9.

And so said amendment was received. The bill was then read as amended a first time and passed.

Mr Murray returned, with an amendment which was received, a bill giving the supreme court jurisdiction in certain cases, which was referred, on motion of Mr Murray, to the Judiciary Committee.

Mr Wyly returned, with an amendment which was received, a bill to authorize Henry Ripley, of the county of Greene, to emancipate his slave William. Said bill was read a third time and passed.

Mr Murray returned, with an amendment which was received, a bill to extend the jurisdiction of the Circuit Courts of this State—said bill was referred on motion of Mr Wyly, to the judiciary committee.

Mr Gillespy from the judiciary committee to whom was referred, a bill to encourage the erection of mills in this State, reported an amendment in lieu of the whole. Said amendment and bill were on motion of Mr Murray ordered to the table.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives concur in the Senate's amendment to a bill to release certain citizens of Hawkins county from the payment of fines who stand indicted for gaming.—And then he withdrew.

And thereupon the question was had, shall the bill pass, and determined in the negative, ayes 8, noes 12. The ayes and noes being demanded constitutionally by Mr Davis,

The affirmative voters are Mr Anderson, Andrews, Brabson, Gillespy, Holman, Lytle, M'Clellan and Perkins—8.

The negative voters are Mr Speaker, Bradford, Burford, Davis, Feild, Frey, Greene, Jetton, M'Iver, Murray, Polk and Wyly—12.

And so said bill was rejected.

The Senate took up a resolution from the House of Representatives, proposing to go into the election of a Senator to the Congress of the United States on Friday the 21st inst.

Mr Bradford moved its indefinite postponement—and the question thereon being had, will the Senate indefinitely postpone said resolution, it was determined in the negative, ayes 4, noes 16. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are Mr Bradford, Burford, Feild and Perkins—4.

The negative voters are Mr Speaker, Anderson, Andrews, Brabson, Davis, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Clellan, M'Iver, Murray, Polk and Wyly—16.

And so said motion was lost.

Mr Bradford then moved to lay the resolution on the table until Tuesday next, which motion prevailed.

Mr Gillespy introduced a bill to amend an act entitled an act to

amend the registration laws of this State, and for other purposes and a bill to alter the boundary line between the counties of Monroe and M'Minn—Mr Anderson, a bill to provide for issuing executions in certain cases—and a bill for the collection of costs in certain cases, all of which were severally read a first time and passed.

Mr Brabson returned without amendment, a bill to authorize James Johnson, guardian of the minor heirs of John K. Wadkins, to sell certain lands, which was, on motion of Mr Brabson, ordered to lie on the table.

And then the Senate adjourned.

MONDAY, SEPTEMBER 17, 1832.

Mr M'Clellan presented the report of the common school Commissioners of Hawkins county, which was referred, on motion of Mr M'Clellan, to the committee on education and common schools.

Mr Anderson presented the petition of Samuel Martin, of Roane county, praying that a premium be granted by the State to those who may discover a sufficient quantity of salt water to make fifty bushels per day, and to prohibit by law, the circulation of any bank or treasury note under five dollars—and exempting from suit, all sums of one dollar and under, which was referred to a select committee, consisting of Mr Anderson, Feild and Holman.

Mr Greene, from the committee on Internal Improvement, to whom was referred the annual report of the Commissioners of the Board of Internal Improvement, for East Tennessee, together with a manuscript report of Bt. Lieut. Col. Long, of the U. S. corps of Topographical Engineers, reported that the committee have had the same under consideration, and had instructed him to make the following report thereon, to wit:

The Committee on Internal Improvements, to whom was referred the annual report of the Commissioners of the Board of Internal Improvements for East Tennessee, together with a manuscript report of Bt. Lt. Col. Long, of the U. S. corps of Topographical Engineers, have had the same under consideration, and submit the following Report:

It is believed that the flattering character of the reports referred to your committee, cannot fail to be highly gratifying to the friends of Internal Improvements generally, and to the citizens of East Tennessee in particular; and seems well calculated to produce an entire confidence, under the cautious and efficient measures adopted by the Board, that a successful accomplishment of the interesting and important duties assigned them, will be speedily effected.

Great fears have been entertained by many, that the funds set apart would prove entirely inadequate, even for the removal of the principal obstructions in the Tennessee and Holston rivers; and it is therefore with peculiar pleasure that your committee feel authorized to state, on the high authority of the above-named able and ex-

perienced engineer, that from an estimate made, on a careful and minute survey of said rivers, it is ascertained that the sixty thousand dollars appropriated to that object, will, under the plan of Improvements recommended by said engineer, and adopted by the Board, be sufficient to effect the removal of all the material obstructions to navigation in the Tennessee and Holston rivers, as high as Knoxville, so as to admit of a free and unimpeded channel of twenty-four inches depth at the lowest stage of water, which it is believed will afford a safe and easy navigation for steamers of ordinary size, for at least from four to six months in the year.

It further appears, from the report submitted to your committee, that on the 20th day of August last, the Board proceeded to place under contract, the removal of the obstructions in the Tennessee river, denominated the Pan, the Boiling Pot, the Suck, and an obstruction at a point half a mile above the Suck, and at the Tumbling Shoals. The rates at which the several contracts have been closed, are believed to be fair and economical, and the undertakers are doubtless skillful and solvent men.

But your committee here remark, that the Board, as appears by their report, have not, in all respects, been governed, in closing the several contracts above named, by the requisitions of the act of incorporation. That act mkaes it the duty of the Board, in closing contracts, to require of the lowest bidder, a bond in a sum equal to double the amount of the contract, with good and sufficient security for the faithful performance of the contract. The Board, however, have believed themselves authorized to exercise a sound discretion in construing that part of the act, and have substituted a per centage on the amount of the contract, to be retained in the hands of the Commissioners until the contract is fulfilled, in lieu of personal security. In thus departing from the letter, the Board seem to entertain the belief that they have strictly adhered to the spirit of the act, and offer as a reason for the course adopted, the great inconveniency, and in some instances, the impracticability, under which distant bidders would labor, in procuring personal security among strangers; and also the practice of other states on similar occasions, as well as the greater certainty of the security where a stipulated per cent. is retained as the work progresses. Your committee believe that the suggestion of the Board, with regard to personal security, is entitled to much weight, and recommend that the "act to establish and incorporate a Board of Internal Improvement in that part of the State east of Cnmberland Mountain," passed the 26th day of November, 1831, be so amended as to authorize the Board, in taking the obligations for all contracts let out by them, to stipulate with the contractors to retain one fourth of the estimated value of the contract as the work progresses, as security for the completion of the contract.

As to the letting out the whole or any part of the remaining obstructions in the Tennessee and Holston rivers by private contracts, as suggested in the report submitted to your committee, they have to remark, that if economy alone, in the expenditure of the fund,

was the criterion by which the Board should be guided, it seems highly probable that something might be saved, by authorizing private contracts to be made with individuals. Still, it is believed that the confidence of the community would be better secured, while a faithful performance of the contracts publicly entered into, as now required by law, would be more certainly expected; and above all, your committee are fully persuaded, that sound policy requires in the expenditure of public money, for the effectuation of a paramount object, that a reasonable notice should be given of the nature of the work required to be done, and of the time and place of its being let, with a view of obtaining the most experienced and skilful undertakers from among the whole body of the people. Your committee, therefore, deem it safest, although it may, in some instances, probably cost the State something more, to adhere to the provisions already established in that respect, at least until further progress is made in removing the principal and most important obstructions in our rivers.

It is proper further to remark, that the reconnoisance and survey of the rivers in East Tennessee, which has enriched that section with a store of valuable information on that subject, has been performed by Bt. Lt. Col. Long, without costing the State a single cent. The whole amount of the expenses attending the above surveys (about $1300) has been refunded by the general government, so that this important labor has been accomplished free of expense to the State. It has already been stated, that the money appropriated by the last legislature, will not be sufficient to prosecute the enlightened system of improvements commenced on our rivers in East Tennessee, higher up than Knoxville. But it is manifest to all who are acquainted with the rivers and situation of East Tennessee, that there are numerous other streams in that section, the magnitude and navigable importance of which, calls aloud for improvement.

The Holston above Knoxville, the French Broad, the Clinch, the Hiwassee, and the beautiful river, Little Tennessee, are all streams of great importance to the industrious and enterprising farmers who cultivate the extensive and productive low grounds on their borders, and not inferior in magnitude, or susceptibility of improvement for navigable purposes, to the Cumberland river above Nashville. Surely then, under this interesting view of the subject, the committee may be permitted to hope, that the good work, so wisely commenced, of meliorating the condition of the navigable streams in East Tennessee, will not now be cut short, while so many large and important rivers, winding their way through the most populous and productive portions of that section are left wholly unprovided for. Your committee, therefore, beg leave to recommend, with a view of prosecuting to its completion, the enlightened policy which dictated the measures of the last legislature, the propriety of vesting the capital now funded for the support of common schools *in State stock, with a view to its application in constructing works of improvements* commensurate to the wants of the people, and on which stock so vested and applied, it is recommended that the State should pay

over to the several counties, the annual interest arising from the dividend assigned to each county, on the basis of free population as is now provided for, and to be applied to the support of common schools in each county, on the same principles as the interest arising from said fund is now applied.

And your committee beg leave further to recommend, that should the legislature determine that some other vesture and application of that portion of the school funds belonging to the counties in Middle and West Tennessee, would better advance their interests, that in that case, the school funds belonging to the counties in East Tennessee, may be vested and applied as above recommended, for the purpose of prosecuting works of Internal Improvement in that section of country.

All of which is respectfully submitted.

JAMES I. GREENE, *Chairman.*

Your committee further beg leave to recommend, that 1000 copies of the report of the Topographical Engineer to the Board of Internal Improvement, and also the report of the said Board, with the Appendix be printed, except so much as relates to the case of Dr John C. Haley and his son John Haley.

All of which is respectfully submitted.

JAMES I. GREENE, *Chairman.*

On motion of Mr Greene, ordered, that one thousand copies of the report and documents, from the said board of Internal Improvement, (except so much as relates to the case of Doctor John C. Haley and his son John C. Haley) be printed.

On motion of Mr Anderson it was further ordered, that one thousand copies of the foregoing report of the committee be printed for the use of the Senate, and that the whole be transmitted to the House of Representatives.

Mr Gillespy from the Judiciary Committee, to whom was referred "a memorial from sundry citizens of Lawrence county, in relation to the subject of profane swearing," reported that the Committee have had the same under consideration and had instructed him to report "a bill to amend the law on the subject of profane swearing," and to recommend its passage. Said bill was read a first time and passed.

Mr Gillespy from the same to whom was referred a bill to authorize Judges of the Circuit Courts, to sign bills of exception in certain cases, reported that the committee have had the same under consideration, and had instructed him to report unfavorably thereon, and to recommend its rejection. Mr Gillespy moved a nonconcurrence with the report, and the sense of the Senate being thereupon had, it was determined against said motion by an equal divison.

Mr Andrews having voted with the majority moved a reconsideration which prevailed—the question was then submitted, will the Senate concur with the report of the Committee? and determined in the negative.

On motion of Mr Gillespy, said bill was ordered to the table.

Mr Gillespy introduced a bill to regulate the Academies of this state. Mr Greene asked and obtained leave to withdraw the same for amendment.

Mr Murray introduced a bill to amend the laws in relation to reporting lands for taxes, and a bill to amend an act entitled an act further to define and extend the jurisdiction of Justices of the Peace,—Mr Wyly a bill for the relief of John Rymal—Mr Gillespy a bill for the relief of William G. Lyle, of Monroe county—Mr Perkins a bill to establish a turnpike road from Murfreesborough to the top of the ridge in the direction to McMinnville which were severally a first time and passed.

A message from the House of Representatives by Mr Campbell their clerk.

Mr Speaker: The House of Representatives nonconcur with the Senate's resolution appointing a joint select committee to consider the propriety of repealing an act, entitled an act to regulate the fees of the clerks of the different courts of this state; they concur in the Senate's resolution, to meet them in their Hall on the 21st inst. for the purpose of electing an Entry Taker for the county of Giles, and a Surveyor for the county of Greene. The House of Representatives have adopted a resolution appointing Richard Batson a Justice of the Peace for the county of Dickson, and a resolution that the Senate meet them in their Hall on the 21st inst. for the purpose of electing an Entry Taker for the county of Maury, a Surveyor for Rhea county, and a director of the Bank of the State of Tennessee, in which they ask the concurrence of the Senate. The Speaker of the House of Representatives did this day sign an enrolled bill, entitled an act prescribing the mode of choosing Electors to vote for President and Vice President of the United States.—And then he withdrew.

The Speaker of the Senate signed said enrolled bill and ordered it to be deposited in the office of the Secretary of State. The foregoing resolutions were concurred in by the Senate—Ordered, that the clerk acquaint the House of Representatives therewith.

Mr Wyly returned without amendment, a bill directory to the several tax collectors in the Western District.

Mr Greene moved to amend said bill by striking therefrom the words "fifty cents" for the purpose of inserting in lieu thereof the words, "thirty seven and an half cents" which motion prevailed.

The bill was then read as amended a second time, and the question thereon being had, shall the bill pass? it was determined in the affirmative, ayes 14 nays 6. The ayes and nays being demanded constitutionally by Mr Field,

The affirmative voters are, Mr Speaker, Anderson, Andrews, Bradford, Davis, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Iver, Murray and Perkins—14.

The negative voters are, Mr Brabson, Burford, Feild, M'Clellan, Polk and Wyly—6.

And so said bill passed its second reading.

A bill for the relief of Wm. S. Howell, and a bill for the benefit of Anderson S. Britt were severally read a third time and passed.

A bill to authorize the Commissioners of school land to establish additional school districts, and a bill to authorize the Register of the

Western District to issue a grant on Entry No. 778, were severally read a second time and passed.

A bill for the relief of George W. Shackleford, was on motion of Mr Wyly ordered to lie on the table.

Mr. Bradford moved to postpone indefinitely a bill to provide for the taking of the enumeration of the free male inhabitants of this state; and the question was thereupon had, will the Senate indefinitely postpone said bill, and determined in the affirmative, ayes 12, nays 8. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are Mr Andrews, Bradford, Burford, Davis Frey, Gillespy, Greene, Holman, Jetton, M'Iver, Murray and Perkins—12.

The negative voters are, Mr. Speaker, Anderson, Brabson, Feild, Lytle, M'Clellan, Polk and Wyly—8.

And so said bill was rejected.

Received from the House of Representatives a memorial from sundry citizens of Shelby county praying the charter of a State Bank, which was referred together with a bill to incorporate the Union Bank of Tennessee to the Committee on Banks.

Received from the House of Representatives, a bill to amend the laws in cases of damage warrants before Justices of the Peace—a bill explanatory of the law of 1829 prohibiting certain officers of the court from trading in county claims—a bill to extend the jurisdiction of courts of common law in cases where fraud has entered into the consideration of sealed instruments, whereby they are rendered void, and a bill for the relief of John Cooney, which were severally read the first time and passed.

And then the Senate adjourned.

TUESDAY, SEPTEMBER 18, 1832.

Mr Davis from the Committee on Land Claims, to whom was referred a bill for the relief of James Whitsett, reported that the Committee have had the same under consideration, consider its provisions reasonable, and had instructed him to recommend its passage. Said bill was read a first time and passed.

Mr Murray from the Committee on claims, to whom was referred a bill for the relief of Patrick Carey, reported that the committee have had the same under consideration, consider its provision reasonable, and had instructed him to recommend its passage. Said bill was read a second time and passed.

Mr Wyly from the committee on retrenchment, to whom was referred a bill to regulate the payment of costs in state prosecutions where defendants are acquitted, reported that the committee have had the same under consideration, believe its provisions reasonable, and had instructed him to recommend its passage.

Mr Anderson moved to amend said bill by extending the same

provisions to Attorneys General, as are extended to other officers, and thereupon the question was had, will the Senate receive said amendment? and determined in the negative, ayes 7, noes 12. The ayes and noes being demanded constitutionally by Mr Anderson,

The affirmative voters are, Mr Anderson, Burford, Davis, Feild, Gillespy, Holman and Jetton—7.

The negative voters are, Mr Speaker, Andrews, Brabson, Bradford, Frey, Greene, Lytle, McClellan, McIver, Murray, Perkins and Wyly—13.

And so said amendment was rejected.

Mr Gillespy offered the following in lieu of the caption of said bill, to wit, a bill to allow fees now prohibited by law to the officers and persons therein named, which was received.

The bill was then read as amended a second time, and the question thereon being had, shall the bill pass? it was determined in the affirmative, ayes 10, noes 9. The ayes and noes being demanded constitutionally by Mr Greene,

The affirmative voters are, Mr Speaker, Brabson, Davis, Frey, Holman, Jetton, Lytle, McIver, Murray and Wyly—10.

The negative voters are, Mr Anderson, Andrews, Bradford, Burford, Feild, Gillespy, Greene, McClellan and Perkins—9.

And so said bill passed its second reading.

Mr Andrews from the committee on Internal Improvement for the Western District to whom was referred a bill to amend an act entitled an act to establish boards of Internal Improvement in the several counties of this state lying West of Tennessee River, and for other purposes, reported that the committee have had the same under consideration, believe its provisions reasonable, and had instructed him to recommend its passage. Said bill was then read a second time and passed.

Mr Greene moved to suspend the 18th rule for the government of the Senate, which prevailing; he moved the reconsideration of the vote taken on yesterday in relation to a bill to provide for the taking the enumeration of the free male inhabitants of this state, which motion also prevailed.

Mr Holman introduced a bill to amend the several acts concerning Sheriffs—Mr Perkins a bill to incorporate the town of McMinnville, and Mr Gillespy a bill for the relief of Nathaniel Ragan of Blount county, which were severally read a first time and passed.

Mr Wyly returned with an amendment, a bill making further provision for the recovery of distributive shares and filial portions. Said bill and amendment were referred on motion of Mr Gillespy to the Judiciary committee.

Mr Greene returned with sundry amendments which were received, a bill directing the manner in which the court house tax in Rhea county shall be paid over by the tax collector, which being upon its third and last reading in both houses, it was ordered that the clerk do by message propose said several amendments to the House of Representatives, and ask their concurrence therein.

A message from the House of Representatives by Mr Campbell their clerk:

Mr Speaker: The Speaker of the House of Representatives did this day sign an enrolled bill, entitled an act to authorize Henry Ripley of the county of Greene, to emancipate his slave William. The House of Representatives have adopted a resolution providing for the printing of the act prescribing the mode of choosing Electors to vote for President and Vice President of the United States. They have also adopted a resolution appointing Justices of the Peace for for the county of Williamson, and a resolution proposing to go into the election of a Senator to the Congress of the United States on the 21st inst. in which they ask the concurrence of the Senate. And then he withdrew.

The Senate concurred with the two foregoing resolutions, providing for the printing of the act prescribing the mode of choosing Electors, &c. and appointing Justices of the Peace for Williamson county, and non-concurred with the resolution proposing to go into the election of a Senator to Congress on the 21st inst.—Ordered, that the clerk acquaint the House of Representatives therewith. The Speaker signed said enrolled act and ordered it to be deposited in the office of Secretary of State.

A bill to divorce Mahala Shaw from her husband George W. Shaw was referred to the committee on Divorces.

A bill to repeal an act entitled an act to regulate the fees of the clerks of the different courts of this state passed December 16th, 1831, was on motion of Mr Burford referred to the committee on Propositions and Grievances.

A bill to encourage improvements in the erection of Mills was taken up and read, and the question thereon being had, shall the bill pass, it was determined in the negative, ayes 8, noes, 12. The ayes and noes being demanded constitutionally by Mr Brabson,.

The affirmative voters are, Mr Andrews, Bradford, Burford, Frey, Gillespy, Holman, Murray and Perkins—8.

The negative voters are, Mr Speaker, Anderson, Brabson, Davis, Feild, Greene, Jetton, Lytle, McClellan, McIver, Polk and Wyly—12.

And so said bill was rejected.

A bill to repeal the second and fourth sections of an act passed November 6th, 1821, chapter 66, was referred on motion of Mr. Holman to the Judiciary committee.

On motion of Mr Burford the Senate took up a bill to divide the State of Tennessee into Districts for the election of Representatives to the Congress of the United States.

Mr Jetton moved to sever the double District, as provided in said bill, and that Rutherford and Williamson compose the eighth District.

Mr Burford moved further to amend by adding thereto the county of Davidson, which motion being lost, the question recurred upon the motion of Mr Jetton, which also was lost.

Mr Perkins then offered the following in lieu of the 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th Districts, to wit: that the counties of Fentress, Overton, White, Warren and Franklin containing a population of 48,991, shall compose the 5th District; that the coun-

ties of Jackson, Smith and Wilson with a population of 52,329, shall compose the 6th; that the counties of Sumner, Davidson and Robertson with a population of 52,984, shall compose the 7th; that the counties of Rutherford and Williamson with a population of 45,110, shall compose the 8th; that the counties of Bedford and Maury with a population of 52,227, shall compose the 9th; that the counties of Lincoln, Giles, Lawrence, Wayne and Hardin with a population of 52,546, shall compose the 10th; that the counties of Montgomery, Stewart, Dickson, Humphreys, Hickman and Perry with a population of 45,480, shall compose the 11th; that the counties of Henry, Weakley, Obion, Carroll, Gibson, Dyer and Henderson, with a population of 41,339, shall compose the 12th; that the counties of Madison, Haywood, Tipton, McNairy, Hardeman and Shelby with a population of 43,737, shall compose the 13th District.

Mr Feild offered the following in lieu of the foregoing amendment offered by Mr Perkins, to wit: that the counties of Fentress, Overton, White, Jackson, Warren and Franklin with a population of 58,281; shall compose the 5th district; that the counties of Sumner, Smith and Wilson, with a population of 58,912, shall compose the 6th; that the counties of Davidson, Rutherford and Williamson, with a population of 68,587, shall compose the 7th; that the counties of Bedford and Maury with a population of 52,027 shall compose the 8th; that the counties of Robertson, Montgomery, Stewart, Dickson and Hickman with a population of 50,399, shall compose the 9th; that the counties of Lincoln and Giles with a population of 36,757, shall compose the 10th; that the counties of Lawrence, Wayne, Hardin, McNairy, Perry and Henderson with a population of 36,448, shall compose the 11th; that the counties of Henry. Weakley, Obion, Dyer, Gibson and Carroll with a population of 33,165, shall compose the 12th; and that the counties of Tipton, Haywood, Madison, Shelby, Fayette and Hardeman with a population of 41,511, shall compose the 13th District.

And the sense of the Senate being thereupon had, said amendment was rejected.

Mr Jetton then offered the following in lieu of Mr Perkins' amendment, to wit: that the counties of Fentress, Overton, Jackson, White, Warren and Franklin, with a population of 58,281, shall compose the 5th District; that the counties of Sumner, Smith, and Wilson with a population of 58,917, shall compose the 6th; that the counties of Robertson, Montgomery, Dickson, Hickman, Stewart and Humphreys with a population of 50,399, shall compose the 7th; that the counties of Davidson and Williamson with a population of 45,913, shall compose the 8th; that the counties of Bedford and Rutherford with a population of 50,810, shall compose the 9th; that the counties of Lincoln, Giles and Maury with a population of 60,645, shall compose the 10th; that the counties of Lawrence, Wayne, Hardin, Perry, Henderson and McNairy with a population of 36,436, shall campose the 11th, that the counties of Carroll, Henry, Weakley, Obion, Dyer and Gibson with a population of 33,165, shall compose the 12th, and that the counties of Hardeman, Fayette, Shelby, Tipton, Haywood and Madison shall compose the 13th District.

And thereupon the question was submitted, will the Senate receive said amendment, and determined in the negative, ayes 10, noes 10. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are Mr Speaker, Anderson, Andrews, Bradford, Davis, Frey, Holman, Jetton, McIver and Murray—10.

The negative voters are, Mr Brabson, Burford, Feild, Gillespy, Greene, Lytle, McClellan, Perkins, Polk and Wyly—10.

And so said amendment was rejected.

Mr Burford then offered the following in lieu of Mr Perkins' amendment, to wit: that the counties of Fentress, Overton, Jackson, White, Warren and Franklin, with a population of 58,221, shall compose the 5th district; that the counties of Lincoln, Giles, Lawrence, Wayne and Hardin, with a population of 52,546, shall compose the 6th; that the counties of Bedford, and Maury, with a population of 52,027, shall compose the 7th; that the counties of Rutherford and Williamson, with a population of 45,010, shall compose the 8th; that the counties of Wilson and Davidson, with a population of 46,554, shall compose the 9th; that the counties of Smith and Sumner, with a population of 35,811, shall compose the 10th; that the counties of Robertson, Montgomery, Stewart, Humphreys, Dickson and Hickman, with a population of 50,399, shall compose the 11th; that the counties of Henry, Carroll, Henderson, Hardeman, M'Nairy and Perry, with a population of 50,633, shall compose the 12th; and that the counties of Obion, Weakley, Gibson, Dyer, Haywood, Tipton, Shelby and Madison, with a population of 44,693, shall compose the 13th district.

And thereupon the question was submitted, will the Senate receive said amendment, and determined in the affirmative—ayes 13, noes 7. The ayes and noes being demanded constitutionally by Mr Burford,

The affirmative voters are, Mr Speaker, Anderson, Brabson, Burford, Feild, Frey, Gillespy, Holman, Jetton, Lytle, M'Clellan, Polk and Wyly—13.

The negative voters are, Mr Andrews, Bradford, Davis, Greene, M'Iver, Murray and Perkins—7.

And so said amendment was received in lieu of the amendment offered by Mr Perkins.

Mr Perkins then moved a re-consideration of the votes taken on Mr Jetton's amendment, and the question thereon being submitted, will the Senate re-consider said vote, it was determined in the negative—ayes 8, noes 12. The ayes and noes being demanded constitutionally by Mr Burford,

The affirmative voters are, Mr Andrews, Bradford, Davis, Frey, Jetton, M'Iver, Murray and Perkins—8.

The negative voters are, Mr Speaker, Anderson, Brabson, Burford, Feild, Gillespy, Greene, Holman, Lytle, M'Clellan, Polk and Wyly—12.

And so said motion was lost.

The question then recurred on Mr Burford's amendment, in lieu

of the 5th, 6th, 7th, 8th, 9th 10th, 11th, 12th and 13th districts, as arranged in the said bill, and the question thereon being had, will the Senate receive said amendment, it was determined in the affirmative, ayes 15, noes 5. The ayes and noes being demanded constitutionally by Mr Burford,

The affirmative voters are, Mr Speaker, Anderson, Brabson Burford, Field, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Clellan, Perkins, Polk, and Wyly—15.

The negative voters are, Mr Andrews, Bradford, Davis, M'Iver, and Murray—5.

And so said amendment was received.

And then the Senate adjourned.

WEDNESDAY, SEPTEMBER 19, 1832.

Mr M'Clellan presented a memorial from sundry citizens of Sullivan county praying the passage of a law, allowing a premium for the scalps of Red Foxes, which was referred on motion of Mr M'Clellan to the committee on Propositions and Grievances.

Mr Andrews presented a memorial from sundry citizens of Humphreys county praying the passage of a law to prevent non-residents driving stock into said county, which was referred on motion of Mr Andrews to the committee on Propositions and Grievances.

Mr Greene presented the petition of George W. Wood asking further compensation for his services as Sergeant at arms to the court of impeachment on the trial of Judge Haskell, which was read and referred on motion of Mr Greene to the committee on Propositions and Grievances.

Mr Davis from the committee on Land Claims to whom was referred a bill for the relief of Christopher Strong, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage. Said bill was read a first time and passed.

Mr Greene submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the following grants, numbers and acres of land be referred to the committee on Land Claims, to wit: two grants in the name of Robert King for 640 acres each; No. 640 on the north bank of Clinch river opposite the Lone Mountain for 640 acres; one other grant No. 854, granted to Michael Montgomery and Henry Rowan for 640 acres on Bear Creek; one other grant No. 575 for 5000 acres in the name of Thomas King and Stokely Donelson; one other grant No. 819, for 600 acres in the name of Nathaniel Lyons, on the south bank of Holston river; one other grant for 200 acres issued to Robert King and James Glasgow, No. 273; also a military warrant for 64 acres in the name of Joshua Harvy No. 980; also 450 acres in the name of Robert King and James Glasgow No. 275.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign an enrolled bill entitled an act to amend an act for the benefit of John Walters and others of Smith county—an act for the relief of Martha Falls—an act to authorize Joshua Shipley of Sullivan county to raise his mill dam on the south sluice of Holston river—an act to authorize Abraham Keener of Knox county to erect a mill dam on French Broad river—an act for the benefit of James Hendricks, Silas Grider and others—an act to authorize the building of mills on Richland creek in the county of Giles—an act to establish the 127th regiment of militia of this State—and an act to amend and explain an act for the benefit of Lucinda Allen.—And then he withdrew.

The Speaker of the Senate signed said enrolled bills, and ordered them to be deposited in the office of the Secretary of State.

Mr Polk introduced a bill for the relief of P. Maguire and J. S. Shepard, and a bill for the benefit of the Surveyor General of the 8th district—Mr Anderson, a bill to regulate and establish the fees of the clerks of the county, circuit, chancery and supreme courts in the State of Tennessee—and a bill to authorize and establish a turnpike road across East Tennessee, which were severally read a first time and passed.

The Senate took up a bill to amend the penal laws of this State.

Mr Gillespy offered an amendment thereto, which was received.

Mr Burford then moved its indefinite postponement, which prevailed.

A bill reducing the sum of $100 now annually appropriated by the county court of White county to the keeping in repair the bridge across the Calf Killer at Sparta to fifty dollars only—a bill appointing additional trustees to the female academy at Athens, and for other purposes—a bill to repeal an act entitled an act to appoint a commissioner on the turnpike road leading through Morgan county, passed December 7, 1829—a bill prescribing the duty of Surveyors in certain cases—a bill for the benefit of Montgomery Stewart—and a bill to enable the executors of Samuel Cutchin dec'd. to bring from the State of Virginia a grandson of said Cutchin, were severally read a third and last time in both houses, passed and ordered to be enrolled.

A bill limiting the time of making surveys, was referred on motion of Mr Gillespy to the committee on Land Claims.

A bill to authorize Aaron Armstrong to erect a mill dam on Holston river, was read a third time and passed.

A bill to authorize James B. Reynolds and Joseph P. Thomas, to build a bridge across Red river—a bill to amend an act entitled an act to amend an act for the relief of executors and administrators—a bill to provide for the taking the enumeration of the free male inhabitants of this State—and a bill concerning Forrest Hill Academy in the county of M'Minn, were severally read a second time and passed.

A bill explanatory of an act passed December 14, 1831, entitled an act to equalize the tax on wholesale and retail merchants, jewel-

ers, grocers and auctioneers, was referred on motion of Mr Burford to the committee on Finance.

On motion of Mr Perkins—ordered, that Mr Bradford and Mr Greene be added to the joint select committee on New Counties.

A bill to provide for the collection of costs in certain cases, was referred on motion of Mr Feild to the Judiciary committee.

Mr Murray submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That a joint select committee on banks be appointed, composed of three members of the Senate, and six on the part of the House of Representatives, to take into consideration the charter and memorial of the Bank Convention, submitted to the legislature by said convention.

And the rule requiring resolutions to lie one day on the table, being suspended, said resolution was adopted. And the Speaker appointed Mr Murray, Mr Greene and Mr Feild to be of said committee on the part of the Senate.—Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Received from the House of Representatives a bill to amend the laws incorporating the town of Jackson in the county of Madison—a bill for the benefit of the town of Columbia—a bill to authorize a lottery for the benefit of Thomas Norton—a bill to authorize Alvis Hilliard to sell a tract of land belonging to the heirs of Levi Ferrell, dec'd—a bill to establish a lunatic hospital in this State—a bill to establish the 128th regiment of militia in the county of Gibson—a bill for the relief of certain securities—a bill for the relief of Bradford & Deckard, of Franklin county—a bill for the benefit of Buffalo iron works—a bill to divorce Thomas M'Calpin from his wife Agness—and a bill for the relief of Nancy Marsh and Rachael Vaughn, all of which were severally read a first time and passed.

Mr Davis returned with an amendment, in lieu of the whole, a bill to encourage the manufacture of iron. Said amendment was received, the bill read as amended a second time and passed.

A resolution submitted by Mr Polk on the 12th inst. proposing to go into the election of a Senator to the Congress of the United States, on Thursday the 20th inst. was taken up and read.

Mr Brabson moved to amend said resolution, by striking therefrom "Thursday, 20th," for the purpose of inserting "October 2d," which motion was lost.

Mr Greene moved to insert "Saturday, the 29th," which motion prevailed.

The amendment was accordingly made, the resolution read as amended, and adopted.—Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A bill to compel clerks to do their duty, was referred, on motion of Mr Wyly, to the judiciary committee.

A bill to amend an act, entitled an act to amend the registration laws of this State and for other purposes, was referred, on motion of Mr Greene, to the committee on the judiciary.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives concur in the sev-

eral amendments proposed by the Senate, to a bill directing the manner in which the court house tax in Rhea county, shall be paid over by the tax collector.—And then he withdrew.

Said bill was then read as amended the third and last time in both houses, passed, and ordered to be enrolled.

And then the Senate adjourned.

THURSDAY, SEPTEMBER 20, 1832.

Mr M'Iver presented the report of the clerk of the court of pleas and quarter sessions for Tipton county, shewing the number of captains' companies and justices of the peace in said county; a report of said clerk, shewing the aggregate amount of State tax due the State by the collector for said county, for the years 1830 and 1831; and a memorial from sundry citizens of Tipton county, praying the establishment of a bank in this State, all of which were referred, on motion of Mr M'Iver, to their appropriate committees.

Mr M'Clellan, from the committee on divorces, to whom was referred the petition of Sarah Park, of Knox county, praying to be divorced from her husband, Alfred Park, reported, that the committee have had the same under consideration, think the prayer of the petitioner reasonable, and had instructed him to report a bill for the relief of Sarah Park, of Knox county, and to recommend its passage. Said bill was read a first time and passed.

Mr M'Clellan, from the same, to whom was referred a bill to divorce Elisha Gower from his wife Jemima, a bill to divorce Samuel Walker, of the county of Overton, from his wife Elizabeth Walker, a bill to divorce Mahala Shaw from her husband George W. Shaw, and a bill to divorce Nancy Banta, from her husband Peter Banta, and also the petition of John Butler praying to be divorced from his wife Sarah, the petition of John Davis for a divorce from his wife Letitia Davis, and the petition of Sarah Stacy, for a divorce from her husband Zachariah Stacy, reported that the committee have had the same under consideration, believe the prayer of the petitioners unreasonable, and had instructed him to recommend their rejection.

Mr Holman moved a non-concurrence with so much of said report as relates to the bill to divorce Samuel Walker.

Mr Jetton, with so much as relates to the bill to divorce Mahala Shaw.

Mr Davis, with so much as relates to the petition of John Butler, for a divorce from his wife Sarah.

Said motions being severally put and carried, the same were ordered to lie on the table, on motion of the respective movers.

Mr Wyly moved a noncurrence with so much of the said report, as relates to the bill to divorce Sarah Stacy from her husband Zachariah, which motion prevailing, the said bill was read a first time and passed.

Mr M'Clellan, then moved a concurrence with the balance of said report, which prevailed.

Mr Greene's resolution of yesterday, referring certain grants therein named to the committee on land claims, was taken up, read and adopted.—Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr Gillespy moved a re-consideration of the vote taken upon a concurrence with so much of the report of the committee on divorces, as relates to the bill to divorce Elisha Gower from his wife Jemima, which prevailing,

Mr Lytle moved a non-concurrence with so much of said report, as relates to the said bill, which also prevailing, the same was ordered to lie on the table on motion of Mr Lytle. The remainder of said report was thereupon again concurred in.

Mr Greene returned with an amendment, which was received, a bill to regulate the academies in this State. Said bill was read as amended, a first time and passed.

Mr Davis introduced a bill for the relief of James Hammond—Mr Greene, a bill to incorporate the town of Kingston, and to provide for the re-survey of said town, which were severally read a first time and passed.

Received from the House of Representatives, a bill for the relief of the heirs and devisees of James Shepard, dec'd—a bill establishing a volunteer company in the town of Trenton—a bill to appropriate the interest arising upon the Internal Improvement fund for Wilson county, to the purposes of common schools—a bill to repeal an act, entitled an act for the benefit of Overton county, passed Dec. 9th, 1831—a bill authorizing the county court of Cocke county, to establish certain turnpike roads—a bill to change the time of holding the court martial of the 48th regiment—a bill prescribing the manner of collecting costs in certain cases—and a bill authorizing the county courts of Washington and Greene to appoint each a surveyor, to run a part of the dividing line between said counties; all of which were severally read a first time and passed.

A bill to incorporate the town of M'Minnville, and a bill for the relief of Thomas Maxwell, of Blount county, were severally read a second time and passed.

Mr Wyly returned, with an amendment, a bill prescribing the fees of sheriffs for executing process under the provisions of the act of 1831, abolishing imprisonment for debt. Said bill and amendment were, on motion of Mr Murray, referred to the committee on the judiciary.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives, did this day sign an enrolled act for the relief of Wm. S. Howell, and an enrolled resolution appointing justices of the peace for the counties of Williamson and Dickson. The House of Representatives have adopted a resolution appointing justices of the peace for the counties of Giles and Bedford, in which they ask your concurrence. —And then he withdrew.

The Senate concurred with the foregoing resolution, and the Speak-

er signed the said enrolled bill, entitled an act for the relief of Wm. S. Howell, and the said resolution, appointing justices of the peace for the counties of Williamson and Dickson, and ordered them to be deposited in the office of the Secretary of State.

A bill to compensate Wm. P. Smith, was taken up and read, and thereupon the question was had, shall the bill pass, and determined in the affirmative, ayes 11, noes 9. The ayes and noes being demanded constitutionally by Mr Murray,

The affirmative voters are, Mr Speaker, Anderson, Andrews, Brabson, Bradford, Feild, Gillespy, Greene, Holman, Lytle, Polk —11.

The negative voters are, Mr Burford, Davis, Frey, Jetton, M'Clellan, M'Iver, Murray, Perkins, and Wyly—9.

And so said bill passed its third reading.

Mr M'Clellan submitted the following:

Resolved by the General Assembly of the State of Tennessee, That Griffith Rogan and Jonathan Baughman, be, and they are hereby appointed justices of the peace in and for the county of Sullivan.

And then the Senate adjourned.

FRIDAY, SEPTEMBER 21, 1832.

Mr Gillespy presented the petition of sundry citizens of Blount county, praying the passage of a law to restrain intemperance and profane swearing.

Mr Andrews presented the resignation of Wm. Patterson, surveyor of Perry county, which was read, accepted, and ordered to be transmitted to the House of Representatives.

Mr M'Clellan's resolution of yesterday appointing Justices of the Peace for Sullivan county, was taken up, read and adopted—Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr Andrews submitted the following:

Resolved, That the Senate meet the House of Representatives in their Hall on this day, for the purpose of electing a surveyor for the county of Perry.

And the rule requiring resolutions to lie one day on the table, being suspended, said resolution was adopted.—Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr Greene introduced a bill to authorize James P. Haynes and Joel Hembre to open and keep in repair a turnpike road from the foot of Walden's ridge to Nathaniel Hewett's on the stage road—Mr Gillespy, a bill for the benefit of Robert Cowan—and a bill to amend the 20th section of an act entitled an act to establish a system of common schools, and appropriate the school funds of this State, passed 14th January 1830—Mr Perkins, a bill for the benefit of Isaac and Melchisedeck Hill of Warren county—and Mr Gilles-

py, a bill for the benefit of the school agent of Monroe county, which were severally read a first time and passed.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives concur in your resolution to go into the election of a surveyor for Perry county, and in your resolution appointing Justices of the Peace for the county of Sullivan.—And then he withdrew.

The Senate took up upon its second reading a bill to amend and explain an act more amply to provide for the poor. Said bill provided that the fattened hogs of the poor in the pen should be exempted from execution.

Mr Greene moved its indefinite postponement; and thereupon the question was submitted, will the Senate indefinitely postpone said bill, and determined in the negative—ayes 5, noes 15. The ayes and noes being demanded constitutionally by Mr Greene,

The affirmative voters are Mr Speaker, Feild, Greene, Holman and Jetton—5.

The negative voters are Mr Anderson, Andrews, Brabson, Bradford, Burford, Davis, Frey, Gillespy, Lytle, M'Clellan, M'Iver, Murray, Perkins, Polk and Wyly—15.

And so said motion was lost.

On motion of Mr Gillespy it was ordered that said bill be referred to the committee on Propositions and Grievances.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives are now ready to receive the Senate for the purpose of going into the several elections set apart for this day.—And then he withdrew.

Whereupon the Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives and proceeded with the said several elections, and upon collecting and counting the ballots, Mr Samuel Yerger of Wilson county, was duly and constitutionally elected attorney general for the 6th solicitorial district of this State; Mr Nathan Vaught entry taker for Maury county; Mr Robert Malony entry taker for the county of Greene; Mr Wm. Richardson entry taker for the county of Campbell; Mr David Rice surveyor for Greene county; Charles S. Broddie, surveyor for Perry county; Chrispan E. Shelton, surveyor for Rhea county; and Daniel M'Cormack, entry taker for the county of Giles—and thereupon the Speaker and gentlemen members of the Senate returned to their own chamber.

Received from the House of Representatives, a bill for the relief of Laney Moore—a bill to divorce Wm. Hall from his wife Phœbe Hall—a bill for the relief of Elihu Leffew—a bill for the benefit of Sterling S. Condry and others—a bill prescribing the duties of the trustees of Bolivar Academy in the county of Monroe—a bill to authorize Mary Humphreys to emancipate certain persons therein named—a bill extending the corporation of the town of Trenton—a bill to change the name of Madisonville in the county of Monroe

to Tellico—a bill to authorize James B. Williams to build a mill on Stones river—a bill to amend the acts heretofore passed in relation to the Gallatin and White's creek turnpike road—a bill regulating the duty of guardians, and to prescribe the duty and authority of the courts in respect to them—a bill for the benefit of the Paris Guards—and a bill to amend an act entitled an act to authorize the drawing of a lottery to clear out the obstructions in Obed's river and to build a bridge across the same, all of which were severally read a first time and passed.

A bill directing the manner of taxing costs on proceedings on scire facias, was referred on motion of Mr Feild to the Judiciary committee.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives have adopted resolutions appointing Justices of the Peace for the counties of Rhea, Fentress and Hawkins in which they ask your concurrence. They concur in your resolution appointing a joint select committee on Banks.—And then he withdrew.

The Senate concurred in the forgoing resolutions appointing Justices of the Peace.—Ordered, that the clerk acquaint the House of Representatives therewith.

A bill to incorporate the inhabitants of the town of Newport—a bill to amend an act entitled an act giving further time for surveying entries and obtaining grants thereon—a bill for the relief of Nathaniel Ragan of Blount county—and a bill for the relief of Patrick Maguire and J. S. Shepard, were severally read a second time and passed.

A bill to amend the several laws concerning sheriffs, was referred on motion of Mr Gillespy to the Judiciary committee.

A resolution from the House of Representatives in relation to the dividing line between the States of North Carolina and Tennessee, was on motion of Mr Wyly taken up, read and concurred in.—Ordered, that the clerk acquaint the House of Representatives therewith.

The Senate took up a bill to amend the act of 1831, authorizing the counties of Montgomery, Dickson and Robertson to appeal to the supreme court at Nashville.

Mr Murray offered an amendment thereto in lieu of the whole, from the enacting clause.

Mr Gillespy moved to lay the said bill and amendment upon the table, which prevailed.

And then the Senate adjourned.

SATURDAY, SEPTEMBER 22, 1832.

Mr Burford presented the petition of George Crockett, bank agent for Sumner county, asking compensation for extra services imposed

upon and performed by him as agent as aforesaid, which was referred on motion of Mr Burford to the committee on Banks.

Mr M'Clellan from the committee on Divorces to whom was referred a bill to divorce John Davenport, from his wife Jane Davenport, reported that the committee have had the same under consideration, consider its provisions reasonable, and had instructed him to recommend its passage. Said report was concurred in, the bill read a second time and passed.

Mr Feild introduced a bill concerning the registration of bills of sale for slaves, and a bill to repeal an act equalizing the tax on wholesale and retail merchants, jewellers, grocers and auctioneers—Mr Davis a bill to divorce Jincy Morris from her husband Isaac Morris —and Mr Bradford a bill to amend an act passed December 17th 1831, entitled an act to establish a board of Internal Improvement in the counties therein mentioned and for other purposes, which were severally read a first time and passed.

Mr Bradford submitted the following,

Resolved by the General Assembly of the State of Tennessee, That Richard Warner, John Ellison, and Samuel Radford be appointed Justices of the Peace for Bedford county.

And the rule requiring resolutions to lie one day on the table, being suspended on motion of Mr Bradford, said resolution was adopted.—Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr Polk submitted the following,

Resolved by the General Assembly of the State of Tennessee, That David Dobbins be and he is hereby appointed a Justice of the Peace in and for the county of Maury.

A message from the House of Representatives by Mr. Campbell their clerk.

Mr Speaker: The House of Representatives have adopted a resolution appointing Justices of the Peace for the counties of Williamson and Montgomery in which they ask your concurrence.

The Senate concurred in the said resolution. Ordered, that the clerk acquaint the House of Representatives therewith.

A bill to amend the act of 1827 allowing defendants two days after judgment to stay execution or to take an appeal, was referred on motion of Mr Anderson to the Judiciary committee.

Received from the House of Representatives a bill for the relief of Thomas Hoard, guardian of the heirs of S. Hoard deceased, and a bill to amend the common school laws of this state, which were severally read a first time and passed.

And then the Senate adjourned.

MONDAY, SEPTEMBER 24, 1832.

Mr M'Clellan presented the memorial of sundry citizens of Hawkins in behalf of Benjamin James, a free man of color, which was

referred on motion of Mr M'Clellan to the committee on propositions and grievances.

Mr Greene presented the petition of John C. Haley and his son, John Haley, together with the memorial of sundry citizens of East Tennessee in their behalf, which was read and referred, on motion of Mr Greene, to the committee on internal improvement.

Mr Holman presented the petition of Calvin Johnson and his wife Sarah for a divorce, and a communication from James Young, Clerk and Treasurer of the board of common school commissioners for the county of Jackson, which were severally read and referred, on motion of Mr Holman, to their appropriate committees.

Mr Bradford presented a memorial from sundry citizens of Bedford county, praying a repeal of the law passed at the last session of the General Assembly in relation to *ca sas*, which was read and referred on motion of Mr Bradford, to the committee on the judiciary.

Mr Feild from the committee on enrolled bills, reported as truly enrolled, an act directing the manner in which the court-house tax in Rhea county shall be paid over by the tax collector—an act to to enable the executors of Samuel Cutchin dec'd. to bring from the State of Virginia a grandson of said Cutchin—an act for the benefit of Montgomery Stewart—an act to repeal an act entitled an act to appoint a commissioner on the turnpike road leading through Morgan county, passed December 7th, 1829—an act appointing additional trustees to the Female Academy at Athens—an act prescribing the duty of surveyors in certain cases—an act reducing the sum of one hundred dollars now yearly appropriated by the county court of White county to the keeping in repair the bridge over the Calf Killer at Sparta in said county, and a resolution appointing justices of the peace for Sullivan county.

Said enrolled bills and resolution were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr Murray from the select committee on banks, to whom was referred a bill and memorial from the Bank convention lately held in this city, reported that the committee had given the subject their serious consideration, and had instructed him to report a bill to incorporate the Union Bank of Tennessee, and to recommend its passage.

Said bill was read a first time and passed.

Mr Polk introduced a bill for the relief of the heirs of William Grant, together with a memorial on that subject, which was referred on motion of Mr Polk, to the committee on land claims.

A resolution submitted on Saturday last by Mr Polk, appointing David Dobbins a Justice of the Peace for Maury county, was taken up, read and adopted.

Mr Wyly submitted the following:

Resolved by the General Assembly of the State of Tennessee, That John Gass Sen., Isaac Harman and Jacob Stevens be and they are hereby appointed Justices of the Peace in and for the county of Greene.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.—Ordered, that

the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr Gillespy returned with an amendment in lieu of the whole, a bill to amend an act making compensation to certain enterers and grantees, for their improvements between the two Kentucky lines.

Mr Burford asked and obtained leave to withdraw said bill and amendment, for further amendment.

Mr Holman introduced a bill to authorize suits in Equity to be transferred from the circuit to the chancery courts—Mr Greene, a bill to amend an act passed the 26th December 1831, entitled an act to incorporate and establish a board of Internal Improvement, in that part of the state east of Cumberland Mountain—Mr Davis, a bill to enable a father to provide for his daughter who when a minor married without his consent—and Mr Polk, a bill to amend an act to establish the town of Mount Pleasant, and to incorporate the inhabitants thereof, passed October 13th 1824, which were severally read a first time and passed.

A bill to amend an act passed 17th December 1831, to authorize the counties of Robertson, Montgomery and Dickson to take appeals to the Supreme court at Nashville, together with an amendment offered thereto by Mr. Murray, were taken up read and rejected.

A bill for the relief of George W. Shackelford, and a bill to authorize James P. Haynes and Joel Hembre to open and keep up a turnkpike road from the foot of Walden's ridge to Nathaniel Hewett's, on the stage road, were severally read a second time and passed.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day signed an enrolled resolution in relation to the dividing line between the states of North Carolina and Tennessee, and a resolution appointing Justices of the Peace for the counties of Hawkins, Rhea, Fentress, Bedford and Giles.—The House of Representatives non-concur in the Senate's resolution to go into the election of a Senator to the Congress of the United States, on Saturday the 29th inst. They concur in the Senate's resolution appointing justices of the peace for the county of Bedford. They have adopted a resolution to go into the election of a Senator to the Congress of the United States on Wednesday next, in which they ask the concurrence of the Senate.—And then he withdrew.

The Speaker of the Senate signed said enrolled resolutions, and ordered them to be deposited in the office of the Secretary of State.

Mr. Brabson moved a non-concurrence with the resolution proposing to go into the election of a Senator on Wednesday next, and thereupon the question was had, will the Senate non-concur, and determined in the affirmative—ayes 11, noes 8. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are, Mr Speaker, Brabson Bradford, Burford, Davis, Feild, Frey, Gillespy, Murray, Perkins and Polk—11.

The negative voters are, Mr. Andrews, Greene Holman, Jetton, Lytle, M'Clellan, M'Iver and Wyly—8.

And so said resolution was non-concurred in.

Mr Brabson submitted the following:

Resolved, That the Senate meet the House of Representatives in their Hall on the 5th of October next, for the purpose of electing a Senator to the Congress of the United States, for six years from the 4th of March next.

And the rule requiring resolutions to lie one day on the table being suspended on motion of Mr Brabson, said resolution was adopted. —Ordered, that the Clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A bill to authorize James Johnson, guardian of the minor heirs of John K. Wadkins, to sell certain lands, was referred, on motion of Mr Holman, to the judiciary committee.

Received from the House of Representatives, a bill to incorporate the town of Raleigh in the county of Shelby—a bill for the relief of Samuel M'Connell—a bill to provide for running the line dividing the counties of Blount and Sevier—and a bill for the benefit of Robert Quarles, which were severally read a first time and passed.

A bill from the House of Representatives, relative to the registration of deeds and other instruments, was referred, on motion of Mr. Murray, to the committee on the judiciary.

And then the Senate adjourned.

TUESDAY, SEPTEMBER 25, 1832.

On motion of Mr Wyly, the Senate took up a resolution from the House of Representatives, approving the veto of the President on the bill re-chartering the Bank of the United States, and approving the measures of policy heretofore recommended and pursued by the present administration of the general government; and thereupon the question was submitted, will the Senate concur with said resolution, and determined in the affirmative—ayes 19, noes 1. The ayes and noes being demanded constitutionally by Mr Gillespy,

The affirmative voters are, Mr Speaker, Anderson, Andrews, Brabson, Burford, Davis, Feild, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Clellan, M'Iver, Murray, Perkins, Polk and Wyly —19.

The negative voter is Mr Bradford—1.

And so said resolution was concurred in.—Ordered, that the clerk acquaint the House of Representatives therewith.

Mr Bradford asked, and obtained leave to have spread upon the Journals, the following, as his reasons for voting against the foregoing resolution, to wit:

I voted against the resolutions approving the views contained in the President's message, accompanying his veto of the bill passed at the last session of Congress, re-chartering the Bank of the United States, not upon the grounds of a disapproval of *all* the views therein

set forth, (for there are many with which I entirely concur,) but because there are others with which I cannot concur.

Mr Burford offered the following:

Resolved, That the Secretary of State, as Commissioner of land claims, receive and file for adjudication, grant No. 407, issued by the State of North Carolina, for one thousand acres.

Mr Murray introduced a bill prescribing the manner in which the common school fund north and east of the Congressional reservation line, shall be collected—and Mr Gillespy, a bill for the benefit of Wm. M. Herron, of M'Minn county, which were severally read a first time and passed.

Mr Holman introduced a bill to divorce Calvin Johnson from his wife Sarah Johnson, and moved its reference to the committee on divorces, which prevailed.

Received from the House of Representatives, a bill for the benefit of Terry A. Willie—and a bill to make transfers of lands to common schools less expensive, which were severally read a first time and passed.

A bill from the House of Representatives, to alter the 5th and 6th Solicitorial districts was read and rejected.

A bill for the benefit of John Autery, of Henderson county, was read a third time and passed.

A bill to authorize judges of the circuit court to sign bills of exceptions in certain cases, was referred, on motion of Mr Brabson, to the judiciary committee.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign an enrolled resolution, appointing justices of the peace for the counties of Montgomery and Williamson. The House of Representatives concur in your resolution, providing for the election of a Senator to the Congress of the United States, on the 5th of October next. They also concur in your resolutions appointing justices of the peace for the counties of Greene and Maury.—And then he withdrew.

The Speaker of the Senate signed said enrolled resolution appointing justices of the peace for the counties of Montgomery and Williamson, and ordered it to be deposited in the office of the Secretary of State.

On motion of Mr Wyly, the Senate took up a bill to divide the State of Tennessee into districts, for the election of representatives to the Congress of the United States; and after some time spent in the discussion of said bill, Mr Feild moved an adjournment; and thereupon the question was submitted, will the Senate adjourn, and determined in the negative—ayes 9, noes 11. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are, Mr Brabson, Davis, Feild, Frey, Gillespy, Lytle, Murray, Perkins and Polk—9.

The negative voters are, Mr Speaker, Anderson, Andrews, Brad-

ford, Burford, Greene, Holman, Jetton, M'Clellan, M'Iver, and Wyly—11.

And so said motion was lost.

Mr Holman then submitted the following:

Resolved, That the bill laying off the State into Congressional districts, be referred to a committee composed of the members of the Senate from Middle Tennessee and the Western District, with instructions to report a plan of districts for the same.

And the rule requiring resolutions to lie one day on the table, being suspended, the question was thereupon had, will the Senate adopt said resolution, and determined in the negative—ayes 5, noes 15. The ayes and noes being called constitutionally by Mr Feild,

The affirmative voters are, Mr Andrews, Bradford, Davis, Holman, and M'Iver—5.

The negative voters are, Mr Speaker, Anderson, Brabson, Burford, Feild, Frey, Gillespy, Greene, Jetton, Lytle, M'Clellan, Murray, Perkins, Polk and Wyly—15.

And so said resolution was rejected.

Mr Speaker Douglass then offered the following as an amendment to said bill, in lieu of the 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th districts, to wit: that the counties of Fentress, Overton, Jackson, White, Warren and Franklin, with a population of 58,281, shall compose the 5th district; that the counties of Sumner, Smith and Wilson, containing a population of 58,917, shall compose the 6th; that the counties of Robertson, Montgomery, Dickson, Hickman, Stewart and Humphreys, with a population of 50,399, shall compose the 7th; that the counties of Davidson and Williamson, with a population of 45,913, shall compose the 8th; that the counties of Bedford and Rutherford, with a population of 50,810, shall compose the 9th; that the counties of Lincoln, Giles and Maury, with a population of 60,645, shall compose the 10th; that the counties of Lawrence, Wayne, Hardin, Perry, Henderson and M'Nairy, with a population of 36,436, shall compose the 11th; that the counties of Carroll, Henry, Weakley, Obion, Dyer and Gibson, with a population of 33,165, shall compose the 12th; and that the counties of Hardeman, Fayette, Shelby, Tipton, Haywood and Madison, with a population of 41,810, shall compose the 13th district.

Mr Feild then offered the following, in lieu of the foregoing amendment, offered by Mr Speaker Douglass, to wit: That the counties of Fentress, Overton, Jackson, White and Smith, with a population of 47,651, shall compose the 5th district; that the counties of Warren, Franklin and Bedford, containing a population of 56,924, shall compose the 6th; that the counties of Lincoln, Giles and Maury, with a population of 60,648, shall compose the 7th; that the counties of Rutherford and Williamson, with a population of 45,110, shall compose the 8th; that the counties of Wilson and Davidson, with a population of 46,571, shall compose the 9th; that the counties of Sumner, Robertson, Montgomery and Dickson, with a population of 48,126, shall compose the 10th; that the counties of Hickman, Humphreys, Perry, Henderson, Hardin, Lawrence and

Wayne, with a population of 44,427, shall compose the 11th; that the counties of Henry, Carroll, Gibson, Weakley, Obion, Dyer and Stewart, with a population of 39,576, shall compose the 12th; and that the counties of M'Nairy, Hardeman, Madison, Haywood, Fayette, Shelby and Tipton, with a population of 47,057, shall compose the 13th district.

And thereupon the question was submitted, will the Senate receive said amendment, and determined in the negative—ayes 10, noes 10. The ayes and noes being demanded constitutionally by Mr Speaker Douglass,

The affirmative voters are, Mr Anderson, Brabson, Burford, Feild, Gillespy, Greene, Holman, Lytle, M'Clellan and Wyly—10.

The negative voters are, Mr Speaker, Andrews, Bradford, Davis, Frey, Jetton, M'Iver, Murray, Perkins and Polk—10.

And so said amendment was rejected.

The question then recurred upon the amendment offered by Mr Speaker Douglass, and thereupon the question was had, will the Senate receive said amendment, and determined in the negative—ayes 10, noes 10. The ayes and noes being demanded constitutionally by Mr Speaker,

The affirmative voters are, Mr Speaker, Anderson, Andrews, Brabson, Bradford, Davis, Feild, Holman, M'Iver and Murray—10.

The Negative voters are, Mr Burford, Frey, Gillespy, Greene, Jetton, Lytle, M'Clellan, Perkins, Polk and Wyly—10.

And so said amendment was rejected.

Mr Murray then moved a re-consideration of the votes just taken, rejecting the amendments offered by Mr Speaker Douglass and Mr Feild, which motion prevailed.

The question then recurred on the amendment of Mr Field, in lieu of the one offered by Mr Speaker Douglass, and thereupon the question was again submitted, will the Senate receive said amendment, and determinedin the affirmative—ayes 13, noes 7. The ayes and noes being demanded constitutionaly by Mr Holman,

The affirmative voters are, Mr Anderson, Andrews, Brabson, Burford, Davis, Feild, Gillespy, Greene, Holman, Lytle, M'Iver, Murray and Wyly—13.

The negative voters are, Mr Speaker, Bradford, Frey, Jetton, M'Clellan, Perkins and Polk—7.

And so said amendment was received in lieu of the one offered by Mr Speaker Douglass.

The question then recurred upon the reception of the said amendment, in lieu of so much of the bill as relates to the 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th districts; and thereupon the question was had, will the Senate receive said amendment, and determined in the negative, ayes, 9, noes 11. The ayes and noes being demanded constitutionally by Mr Brabson,

The affirmative voters are, Mr Anderson, Andrews, Brabson, Bradford, Davis, Feild, Holman, M'Iver and Murray—9.

The negative voters are, Mr Speaker, Burford, Frey, Gillespy,

Greene, Jetton, Lytle, M'Clellan, Perkins, Polk and Wyly—11.

And so said amendment was rejected.

Mr Gillespy then offered the following in lieu of so much of the original bill as relates to the nine last mentioned districts therein, to wit: that the counties of Fentress, Overton, Jackson, White and Smith, with a population of 47,645 shall compose the 5th district; that the counties of Warren, Franklin and Lincoln, containing a population of 49,226 shall compose the 6th; that the counties of Davidson and Williamson, with a population of 46,574 shall compose the 7th; that the counties of Bedford and Maury, with a population of 51,127 shall compose the 8th; that the counties of Rutherford and Williamson, containing a population of 44,110 shall compose the 9th; that the counties of Hickman, Sumner, Robertson, Montgomery and Dickson, with a population of 55,760 shall compose the 10th; that the counties of Giles, Lawrence, Wayne, Hardin, Perry, Henderson and Humphreys, with a population of 53,109 shall compose the 11th; that the counties of Stewart, Carroll, Henry, Weakley, Obion, Dyer and Gibson, with a population of 39,573 shall compose the 12th district; and that the counties of M'Nairy, Hardeman, Fayette, Shelby, Tipton, Haywood and Madison, containing a population of 47,057 shall compose the 13th district.

Mr Feild moved to amend said amendment, by separating the county of Giles from the 11th, and attaching it to the 8th district—and thereupon the question was had, will the Senate make the amendment, and determined in the negative—ayes 6, noes 14. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are Mr Speaker, Andrews, Burford, Davis, Feild and M'Iver—6.

The negative voters are Mr Anderson, Brabson, Bradford, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Clellan, Murray, Perkins, Polk and Wyly—14.

And so said motion was lost.

Mr Bradford then moved an adjournment, and the question thereon being had, will the Senate adjourn, it was determined in the negative—ayes 3, noes 17. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are Mr Anderson, Feild and Murray—3.

The negative voters are Mr Speaker, Andrews, Brabson, Bradford, Burford, Davis, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Clellan, M'Iver, Perkins, Polk and Wyly—17.

And so said motion was lost.

Mr M'Iver then offered the following as an amendment to the one offered by Mr Gillespy in lieu of the 11th, 12th and 13th districts, to wit: that the counties of Carroll, Gibson, Dyer, Obion, Weakley and Humphreys, with a population of 33,165 shall compose the 11th district; that the counties of Madison, Haywood, Tipton, Shelby, Fayette, Hardeman and M'Nairy, with a population of 47,356 shall compose the 12th; and that the counties of Lawrence, Wayne, Hardin, Perry and Henderson, shall compose the 13th district.

And the sense of the Senate being thereupon had, said amendment was rejected.

Mr Murray then offered the following in lieu of the whole amendment offered by Mr Gillespy, to wit: that the counties of Fentress, Overton, Jackson, White and Warren, with a population of 44,080 shall compose the 5th district; that the counties of Franklin, Lincoln and Giles with a population of 50,958 shall compose the 6th; that the counties of Bedford and Maury with a population of 52,027 shall compose the 7th; that the counties of Rutherford and Williamson with a population of 45,110 shall compose the 8th; that the counties of Smith, Wilson and Sumner with a population of 58,912 shall compose the 9th; that the counties of Davidson, Robertson, Montgomery and Dickson, with a population of 53,937 shall compose the 10th; that the counties of Hickman, Lawrence, Wayne, Hardin, Perry, Humphreys, Stewart and Henderson, with a population of 50,835 shall compose the 11th; that the counties of Henry, Carroll, Gibson, Weakley, Obion and Dyer, with a population of 33,165 shall compose the 12th; and that the counties of M'Nairy, Hardeman, Madison, Haywood, Fayette, Shelby and Tipton, shall compose the 13th district.

And thereupon the question was submitted, will the Senate receive said amendment, and determined in the affirmative—ayes 13, noes 7. The ayes and noes being demanded constitutionally by Mr Murray,

The affirmative voters are Mr Speaker, Anderson, Andrews, Brabson, Davis, Feild, Greene, Holman, Jetton, M'Iver, Murray, Polk and Wyly—13.

The negative voters are Mr Bradford, Burford, Frey, Gillespy, Lytle, M'Clellan and Perkins—7.

And so said amendment was received in lieu of the one offered by Mr Gillespy.

Mr Perkins then moved an adjournment, and thereupon the question was had and determined in the negative—ayes 8, noes 12. The ayes and noes being demanded constitutionally by Mr Brabson,

The affirmative voters are Mr Speaker, Anderson, Bradford, Feild, Frey, Jetton, Lytle and Perkins—8.

The negative voters are Mr Andrews, Brabson, Burford, Davis; Gillespy, Greene, Holman, M'Clellan, M'Iver, Murray, Polk and Wyly—12.

And so the Senate refused to adjourn.

The question then recurred upon Mr Murray's amendment in lieu of that part of the original bill intended to be amended, and thereupon the question was submitted, will the Senate receive the amendment, and determined in the affirmative—ayes 12, noes 8. The ayes and noes being demanded constitutionally by Mr Murray,

The affirmative voters are Mr Speaker, Anderson, Andrews, Brabson, Davis, Feild, Holman, Jetton, M'Iver, Murray, Polk and Wyly—12.

The negative voters are Mr Bradford, Burford, Frey, Gillespy, Greene, Lytle, M'Clellan and Perkins—8.

And so said amendment was received.

Mr Perkins again moved an adjournment, and the question thereon being had, it was again determined in the negative—ayes 7; noes 13. The ayes and noes being demanded constitutionally by Mr Holman,

The affirmative voters are Mr Bradford, Burford, Feild, Frey, Jetton, Lytle and Perkins—7.

The negative voters are Mr Speaker, Anderson, Andrews, Brabson, Davis, Gillespy, Greene, Holman, M'Clellan, M'Iver, Murray, Polk and Wyly—13.

And so the Senate again refused to adjourn.

The said bill was then read as amended a third time, and the question thereon being had, shall the bill pass, it was determined in the affirmative—ayes 17, noes 3. The ayes and noes being demanded constitutionally by Mr Brabson,

The affirmative voters are Mr Speaker, Anderson, Andrews, Brabson, Bradford, Davis, Feild, Gillespy, Greene, Holman, Jetton, M'Clellan, M'Iver, Murray, Perkins, Polk and Wyly—17.

The negative voters are Mr Burford, Frey and Lytle—3.

And so said bill passed its third reading.

And then the Senate adjourned.

WEDNESDAY, SEPTEMBER 26, 1832.

Mr Frey presented the petition of Margaret Bradley for a divorce from her husband John Bradley, which was referred, on motion of Mr Frey, to the committee on divorces.

Mr Bradford presented a memorial from sundry citizens of the counties of Maury, Bedford, Giles, Hickman, Williamson and Lincoln in behalf of Doctor Jack, a slave belonging to William Macon of Maury county, which was read and ordered to be transmitted to the House of Representatives.

Mr Burford presented the petition of John Barnard in relation to a tract of lost land between Matthews' and Walker's line, which was referred, on motion of Mr Burford, to a select committee.

The Speaker appointed Mr Burford, Mr Polk and Mr Gillespy said committee.

Mr M'Iver from the committee on propositions and grievances, reported a bill for the relief of certain citizens of Humphreys county—and a bill for the relief of Benjamin James, a free man of color, both of which were severally read a first time and passed.

Mr Davis from the committee on land claims, reported a bill for the relief of the occupants south and west of the Congressional reservation line, and for other purposes, which was read a first time and passed.

Mr Polk from the committee on enrolled bills, reported as truly enrolled, a resolution appointing Justices of the Peace for the county of Bedford. Said resolution was signed by the Speaker of the

Senate, and ordered to be transmitted to the House of Representatives.

Mr Burford's resolution of yesterday referring grant No. 407, for one thousand acres, to the Secretary of State for adjudication, was taken up, read and adopted.

Mr Gillespy presented a general report of Pryor Lea, attorney for the State, in certain reservation cases, which was read and referred, on motion of Mr Gillespy, to the committee on Indian reservations.

Mr Feild submitted the following:

Resolved by the General Assembly of the State of Tennessee, That Arthur A. M. Upshaw, be and he is hereby appointed a justice of the peace for the county of Giles.

And Mr Greene the following:

Resolved, that a select committee of the Senate be appointed to consist of five, to enquire into the expediency of regulating the clerks' fees in this State.

And the rule requiring resolutions to lie one day on table being suspended, said resolutions were adopted. The Speaker appointed Messrs. Greene, Wyly, Burford, Feild and Andrews, to be of the committee proposed by Mr Greene's resolution.

Mr Bradford submitted the following preamble and resolutions:

The members of the Legislature of Tennessee in General Assembly convened, believing that a momentous crisis has arrived, when it becomes a solemn duty that their views may not be misunderstood, for them to make an open and unequivocal expression of their sentiments in relation to the dangerous doctrines recently assumed by a member of this confederacy, "that a State has the right to resist or render inoperative, within her limits, an act of Congress, whenever the same may be declared unconstitutional, by a legislative enactment, or, in its highest political attitude, a convention of the people of the State," do therefore, on behalf of themselves and their constituents, submit to their fellow-citizens of other States and to the world, the following declaration:

1. *Resolved by the General Assembly of the State of Tennessee*, That they regard with deep disapprobation, the assertion by any State of this Union, either through their Legislature or by a convention of the people of a State, of a power to nullify and make void an act of the Congress of the United States.

2. *Resolved*, That they regard the doctrine of nullification, either by the one or the other of these means, wholly unwarrantable, dangerous to the existence of the Union, inconsistent with and destructive of the fundamental principles of the government, tending directly, under the guise of peaceful and constitutional remedy, to bring upon our happy country all the horrors of civil war, and therefore, more to be deprecated than open resistance.

3. *Resolved*, That we most cordially reciprocate the patriotic sentiments of the President, that "the Federal Union must be preserved."

On motion of Mr Anderson, ordered, that one hundred copies of the foregoing be printed.

Mr Burford returned with Mr Gillespy's amendment in lieu of

the whole, a bill to amend an act entitled an act making compensation to certain enterers and grantees for their improvements between the two Kentucky lines. Said amendment was further amended by Mr Gillespy, received in lieu of the whole bill, read a second time and passed.

Mr Holman introduced a bill to regulate the fees of the clerks of the supreme court.

Mr Gillespy moved to lay the said bill on the table, which prevailed.

Mr Wyly introduced a bill to regulate the manner in which the vote of the justices of the peace upon appropriations, are to be preserved—Mr Burford, a bill to amend the corporation laws of the town of Liberty in Smith county—and Mr Gillespy, a bill for the relief of Henry Matlock, of M'Minn county, which were severally read a first time and passed.

Mr Gillespy returned with an amendment, which was received, a bill for the benefit of Thomas J. Barker, a man of color. Said bill was read a second time and passed.

A bill for the benefit of the surveyor general of the 8th district—a bill to incorporate the town of Kingston, and to provide for the re-surveying of said town—a bill to amend an act passed 17th December 1831, entitled an act to establish a board of internal improvement in the counties therein mentioned and for other purposes—a bill for the relief of Elihu Leffew—a bill to incorporate the inhabitants of the town of Elizabethton in the county of Carter—a bill to divorce Elisha Gower from his wife Jemima—and a bill to divorce Mahala Shaw, from her husband George W. Shaw, were severally read a second time and passed.

Mr Andrews withdrew and returned with an amendment which was received, a bill for the benefit of the common schools in Carter county. Said bill was read a second time and passed.

A bill from the House of Representatives for the benefit of the corporation of the town of Murfreesborough, was read a first time and passed.

A bill to authorize the trustee of Claiborne county to pay certain moneys therein mentioned—and a bill for the relief of Gabriel Fowlks late sheriff of Hickman county, were severally read a third time and passed.

A bill to repeal an act entitled an act to equalize the tax on wholesale and retail merchants, jewelers, grocers and auctioneers, was, on motion of Mr Gillespy, ordered to lie on the table.

And then the Senate adjourned.

THURSDAY, SEPTEMBER 27, 1832.

Mr Jetton from the committee on education and common schools, to whom was referred, the petition of the trustees of Greeneville college—the petition of sundry citizens of Maury county in relation

to a school tract of land, part of which lies in the county of Bedford; and also the petition of the trustees of Logado Academy—reported, that the committee have had the same under consideration, and had instructed him to report the same unreasonable. Said report was concurred in.

Mr Jetton from the same committee to whom was referred sundry other documents, reported, that the committee had had the same under consideration, and had instructed him to report a bill for the benefit of common schools, and to recommend its passage. Said bill was read a first time and passed.

Mr Greene from the committee on internal improvement to whom was referred a memorial of sundry citizens of East Tennessee, in behalf of John C. Haley and his son John Haley, reported, that the committee have had the same under consideration—believe the prayer of the petitioners reasonable, and had instructed him to report a bill for the relief of John C. Haley and his son John Haley, and to recommend its passage. Said bill was read a first time and passed.

Mr Wyly presented the petition of sundry citizens of Cocke county, praying that Howell Houston be permitted to open a turnpike road, which was referred, on motion of Mr Wyly, to the committee on internal improvement.

Mr Burford submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the present session of the General Assembly shall terminate on Tuesday the 16th day of October next, and no bill shall be introduced or reported in either branch of the Legislature after Monday week.

Mr Gillespy the following:

Resolved by the General Assembly of the State of Tennessee, That the president of the board of internal improvement for East Tennessee, be respectfully requested to attend this General Assembly as soon as practicable, to communicate such information as he may be able to impart upon any matters appertaining to the progress and duties of the board in the discharge of the trust reposed in them.

And the rule being suspended—said resolution was on motion of Mr Brabson, ordered to the table.

A bill to repeal in part an act entitled an act further to define and extend the jurisdiction of justices of the peace, passed December 1831—and a bill to repeal an act passed December 20th 1831, entitled an act to amend the registration laws of this State, and for other purposes, were severally read and referred to the judiciary committee.

Mr Gillespy submitted the following preamble and resolutions:

The General Assembly of the State of Tennessee, solemnly impressed with the present critical posture of our national affairs, think it their duty to declare and exhibit to their fellow citizens of the other states composing this confederacy, their opinions and sentiments upon some of the important subjects which agitate the nation.

The tariff of 1828 has at all times, met the decided disapproba-

tion of the people of this state. In its enactment, a total disregard was paid to their interests. Its injustice, inequality and oppressive character, so far as this state was concerned, were plain and palpaple, and its continuance called loudly for redress. The act of the last session of Congress, reducing the duties on imported articles, has alleviated but not removed the evils brought upon the country by the oppressive and unjust taxation imposed by the act of 1828. This General Assembly, therefore, are of opinion that all our public functionaries should continue their unremitted exertions to reduce the public burdens, until the revenue produced shall be sufficient to meet the necessary expenditures of the government, and no more. The evils complained of arise from the injudicious and excessive exercise of a power granted in the federal constitution to the general government; and for grievances thus imposed, no mode of redress exists but a repeal or modification by federal legislation of the odious act of Congress, so much and so justly complained of, and any other mode of redress, if attempted, should be discountenanced by every patriot and friend of civil liberty.

The doctrine, that any state has a right to nullify, or make void the tariff laws within its limits, is viewed by this General Assembly as visionary, and as tending directly to disunion, and should such an attempt be made, it will be the duty of all good citizens and friends of their country to sustain the Union, and aid the federal government in the execution of the laws.

The exercise of the power by the general government, to make internal improvements within the several states of a local character, has been considered by this General Assembly, and they have no hesitation in declaring, that no such power is perceived to have been granted in the constitution, and if it were, when the corrupting influence, which it would produce on federal legislation is adverted to, no doubt of the inexpediency of its exercise can exist.

The question of renewing the charter of the Bank of the United States, is now a subject of deep interest, and will, for several years to come, most probably agitate the American people. This is believed by the General Assembly, to be literally a controversy between the monied aristocracy of the country on the one side, and the great body of the American people on the other—a question between power and liberty, on the decision of which depends the permanency of our free institutions; for, should this charter be renewed, a monied power will be fastened upon the country, capable of controlling the government itself. Therefore

Resolved by the General Assembly of the State of Tennessee, That this General Assembly believe the State of Tennessee largely participates in the injuries arising from the unequal and oppressive exactions of the tariff, and while they most sensibly sympathise with their neighbors of the South in their present sufferings and distresses under the grievous and baneful operation of this law, yet it is with the deepest feelings of mortification and regret, that they have witnessed certain movements in that section of this republic, at war

with the vital principles of the federal constitution, and in their tendency calculated to produce a severance of the Union.

Resolved, That it is the sense of this General Assembly, that an appeal to the intelligence, magnanimity and justice of the American people, is the only constitutional and peaceful remedy for the evil complained of; and that this General Assembly most confidently relies upon the patriotism and wisdom of an enlightened public for a speedy removal of those oppressive and ruinous burthens.

Resolved, That appropriations of the public revenue by the general government, for internal improvements of a local character, within the several states, are improvident and prodigal expenditures of the public funds—have a most baneful influence on the federal legislation of the country—are insidiously sapping the foundations of civil liberty and public virtue, and are rapidly hastening this republic into a consolidated government.

Resolved, That the interference of the Bank of the United States in the approaching Presidential election, and the avowal of one of its champions on the floor of Congress, of an intention to use its influence in making a President of the United States, prove the mischievous and anti-republican tendency of the monied power of the country, when embodied in a national banking institution; and therefore, to preserve the liberties of the people, and to perpetuate the republican institutions of the country, this General Assembly are decidedly of opinion that the charter of said bank ought not to be renewed.

Resolved, That the Secretary of State transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives in the Congress of the United States, as containing the sentiments of this General Assembly.

The Senate took up on its third reading, a bill directory to the several tax collectors in the Western District.

Mr Murray moved to amend said bill, by re-instating that part stricken therefrom by the House of Representatives, which motion prevailed, and thereupon the question was had, shall the bill pass, and determined in the affirmative—ayes 12, noes 6. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are, Mr Speaker, Andrews, Bradford, Davis, Frey, Gillespy, Greene, Holman, Jetton, M'Iver, Murray and Perkins—12.

The negative voters are, Mr Brabson, Burford, Feild, M'Clellan, Polk and Wyly—6.

And so said bill passed its third reading.

A bill to authorize and establish a turnpike road across East Tennessee, was read and referred, on motion of Mr Anderson, to the committee on internal improvement.

A bill concerning the registration of bills of sale for slaves, was read and referred, on motion of Mr Feild, to the judiciary committee.

A bill to divorce Jincy Morris from her husband Isaac Morris, was

read and referred, on motion of Mr Davis, to the committee on divorces.

A bill to regulate the academies in this State—a bill regulating and prescribing the fees of sheriffs for executing summons under the provisions of an act of 1831—and a bill for the relief of James Hammons, were severally read a second time and passed.

The Senate took up on its second reading, a bill to divorce Sarah Stacy from her husband Zachariah Stacy, and thereupon the question was had, shall the bill pass, and determined in the affirmative—ayes 10, noes 9. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Andrews, Feild, Frey, Gillespy, Holman, Jetton, M'Clellan, M'Iver, Perkins and Wyly—10.

The negative voters are, Mr Speaker, Anderson, Brabson, Bradford, Burford, Davis, Greene, Murray and Polk—9.

And so said bill passed its second reading.

Received from the House of Representatives, a bill to amend an act entitled an ac to abolish imprisonment for debt, except in cases of fraud, passed December 14, 1831—a bill to incorporate the Jackson road company—a bill to prevent the disturbance of public worship—a bill to prevent excessive usury—a bill to amend an act entitled an act for the benefit of common schools in this state—a bill to quiet tax sales and to make them bona fide, on other days than the first Mondays in November—a bill restricting the sales of discounts of common school commissioners to ten per cent—a bill to change the mode of advertising lands under execution sale—a bill giving the circuit courts jurisdiction of misdemeanors—a bill to divorce Benjamin Garret from his wife Elizabeth—a bill establishing the dividing line between the counties of Robertson and Sumner—a bill to establish an academy in the county of Shelby—a bill for the relief of Mary Harris—a bill to amend an act entitled an act to establish a board of internal improvement for the Mountain District, passed in 1831—a bill to extend the chartered limits of the corporation of the town of Gallatin —a bill for the benefit of John Travis and Wm. Harper—and a bill to establish a turnpike road from the town of Murfreesborough to the top of the ridge leading in the diection to M'Minnville; all of which were severally read the first time and passed.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign an enrolled resolution approving the Veto on the bill re-chartering the bank of the United States, and an enrolled bill entitled an act for the relief of Patrick Maguire, and John S. Shepard. They have adopted resolutions appointing Justices of the Peace for the counties of Weakley, Washington, Rutherford, Perry and Warren, and resolutions referring certain grants therein mentioned to the commissioner for adjudication in which they ask the concurrence of the Senate.—And then he withdrew.

The Senate concurred with said resolutions, and the Speaker

signed said enrolled bill and resolution and ordered them to be deposited in the office of Secretary of State.

Mr Anderson submitted the following:

Resolved, That the report of Doctor Gerard Troost submitted to the Legislature at the present session be taken up, and read at nine o'clock Saturday morning, and that the Speaker of the Senate invite Doctor Troost to attend in the Senate chamber at that time.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.

Mr Murray introduced a bill for the benefit of the bridge and cause way across the north fork and bottom of Obion river at Finch's bridge in Weakley county—and Mr Anderson a bill to amend an act passed 8th December, 1831, entitled an act authorizing executors to sell real estate, in certain cases, which were severally read a first time and passed.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives have taken up on its third and last reading in both Houses, a bill dividing the state into Congressional Districts, and propose amending the same by striking out from the original bill, from and including the 5th and 13th Districts, for the purpose of inserting an arrangement of said Districts, as provided in the amendment herewith transmitted, in which they ask your concurrence.—And then he withdrew.

Whereupon Mr Gillespy moved a concurrence with so much of the message as proposes to alter the 5th, 6th, 7th, 8th, 9th, 10th and 11th Districts, and thereupon the question was submitted will the Senate concur, and determined in the affirmative—ayes 10, noes 9. The ayes and noes being demanded constitutionally by Mr. Holman,

The affirmative voters are, Mr Anderson, Brabson, Burford, Frey, Gillespy, Greene, M'Clellan, Perkins Polk and Wyly—10.

The negative voters are, Mr Speaker, Andrews, Bradford, Davis, Feild, Holman, Jetton, M'Iver, and Murray—9.

And so said motion prevailed.

Mr M'Iver then moved a non-concurrence with so much said of message as proposes to alter the 12th and 13th Districts, and thereupon the question was had, will the Senate non-concur, and determined in the affirmative—ayes 10, noes 9. The ayes and noes being demanded constitutionally by Mr M'Iver,

The affirmative voters are Mr Anderson, Brabson, Burford, Feild, Frey, Gillespy, M'Clellan, M'Iver, Perkins and Wyly—10.

The negative voters are, Mr. Speaker, Andrews, Bradford, Davis, Greene, Holman, Jetton, Murray and Polk—9.

And so said motion prevailed.

And then the Senate adjourned.

FRIDAY, SEPTEMBER 28, 1832.

Mr Brabson presented the petition of Martin Bowls of Claiborne county, praying that certain monies therein mentioned be refunded to him, which was referred, on motion of Mr Brabson, to the judiciary committee.

Mr Gillespy presented the petition of J. Houston, for an allowance for rations furnished by him in the year 1788, to the troops at Houston's Station, which was read and referred, on motion of Mr Gillespy, to the committee on propositions and grievances.

Mr Gillespy from the judiciary committee, to whom was referred a bill to compel clerks to do their duty, reported, that the committee had had the same under consideration, had instructed him to make some slight amendments thereto, and to recommend its passage.—Said amendments were received, the bill read a second time and passed.

Mr Burford's resolution of yesterday, proposing to adjourn the present session of the General Assembly on Tuesday the 16th of October next, was taken up and read.

Mr Murray moved to strike therefrom the words "October 16th," for the purpose of inserting "Saturday October 6th."

Mr Gillespy moved to lay the resolution upon the table, which having precedence of the proposition of Mr Murray, the question was thereupon had, and determined in the negative—ayes 9, nays 9. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are Mr Speaker, Anderson, Brabson, Davis, Gillespy, Greene, Holman, M'Iver and Perkins—9.

The negative voters are Mr Andrews, Bradford, Burford, Feild, Frey, M'Clellan, Murray, Polk and Wyly—9.

And so said motion was lost.

The question next recurred upon the proposition of Mr Murray, and the same being thereupon had, it was determined in the negative—ayes 6, noes 12. The ayes and noes being demanded constitutionally by Mr Murray,

The affirmative voters are, Mr Bradford, Gillespy, Holman, Murray Polk and Wyly—6.

The negative voters are, Mr Speaker, Anderson, Andrews, Brabson, Burford, Davis, Feild, Frey, Greene, M'Clellan, M'Iver, and Perkins—12.

And so said motion was lost.

The said resolution was then put upon its adoption; and thereupon the question was had, will the Senate adopt the resolution, and determined in the affirmative—ayes 10, noes 8. The ayes and noes being demanded constitutionally by Mr Gillespy,

The affirmative voters are, Mr Speaker, Andrews, Bradford, Burford, Feild, Frey, M'Clellan, Murray, Polk and Wyly—10.

The negative voters are Mr Anderson, Brabson, D avis, Gillespy, Greene, Holman, M'Iver and Perkins—8.

And so said resolution was adopted.—Ordered, that the clerk ac-

quaint the House of Representatives therewith, and ask their concurrence therein.

A preamble and resolutions submitted on yesterday by Mr Gillespy, was taken up and read.

Mr Greene moved that the said preamble and resolutions lie on the table, and that one hundred copies thereof be printed, which motion prevailed.

Mr Wyly introduced a bill to regulate executors and administrators in the sale of the estates of deceased persons, which was read and referred, on motion of Mr Wyly, to the judiciary committee.

Mr M'Iver submitted the following:

Resolved, That the Secretary of State, as commissioner of land claims, receive and file for adjudication grant No. 252,54 for one hundred and sixty acres.

Mr M'Iver introduced a bill for the benefit of the Tipton Troop —Mr Andrews a bill to repeal an act entitled an act to prevent the violation of graves and the disturbance of the bodies of the dead, passed December 2nd 1831—Mr Gillespy, a bill for the relief of Lewis Ross—and Mr Holman, a bill to authorize the boundaries of the townships of the county of Overton to be designated, which were severally read a first time and passed.

Mr Murray returned with an amendment in lieu of the whole, a bill to provide for the taking the enumeration of the free male inhabitants of this state.

Said amendment proposed to repeal the 5th section of the act, providing for the same purposes, passed at the last session of the General Assembly, and to make an allowance of five instead of three dollars, for each hundred enumerated, as provided for in said bill, and thereupon the question was had, will the Senate receive said amendment and determined in the negative, ayes 8, noes 9. The ayes and noes being demanded constitutionally by Mr Feild,

The affirmative voters are, Mr Andrews, Burford, Davis, Frey, Gillespy, Greene, M'Iver, and Murray—8.

The negative voters are, Mr Speaker, Anderson, Brabson, Bradford, Feild, M'Clellan, Perkins, Polk and Wyly—9.

And so said amendment was rejected.

Mr Burford moved to strike from the 5th section of said bill the sum of "three dollars," for the purpose of inserting the sum of "five dollars," which motion prevailed, and the bill being upon its last reading in both Houses, it was ordered, that the clerk do by message, propose said amendment to the House of Representatives, and ask their concurrence therein.

A message from the House of Representatives, by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign enrolled bills of the following titles, to wit:—an act for the benefit of John Autrey—an act to compensate Wm. P. Smith—an act for the relief of Gabriel Fowlks, late sheriff of Hickman county—an act to authorize Aaron Armstrong to erect a mill dam on Holston river in Knox county—and an act to authorize the trus-

tee of Claiborne county to pay over certain money therein mentioned.—The House of Representatives have adopted a resolution appointing justices of the peace for the counties of Carroll, Montgomery and Marion, in which they ask the concurrence of the Senate. —And then he withdrew.

And thereupon the said resolution appointing justices of the peace was read and concurred in, and the Speaker signed said enrolled bills, and ordered them to be deposited in the office of the Secretary of State.

Mr Greene submitted the following:

Resolved by the General Assembly of the State of Tennessee, That David Rankin and Wiley Belcher be, and they are hereby, appointed justices of the peace in and for the county of Marion.

And the rule requiring resolutions to lie one day on the table, being suspended, on motion of Mr Greene, said resolution was adopted. —Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A bill to explain an act entitled an act to abolish imprisonment for debt—a bill to amend an act entitled an act for the relief of executors and administrators passed November 23d 1829—and a bill to extend the jurisdiction of the courts of common law where fraud has entered into the consideration of sealed instruments whereby they are rendered void, were severally read and referred, on motion of Mr Brabson, to the judiciary committee.

A message from the House of Representatives, by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives have again taken up on its third and last reading the bill to divide the State of Tennessee into Congressional Districts, and propose an amendment thereto, in lieu of the 12th and 13th Districts, as arranged in said bill.—And then withdrew.

Whereupon said amendment was read, and thereupon Mr M'Iver moved a non-concurrence with the said amendment, and the question thereon being had, it was determined in the affirmative—ayes 16, noes 3. The ayes and noes being demanded constitutionally by Mr Murray,

The affirmative voters are Mr Speaker, Anderson, Andrews, Burford, Davis, Feild, Frey, Gillespy, Greene, Holman, Lytle, M'Clellan, M'Iver, Perkins, Polk and Wyly—16.

The negative voters are Mr Brabson, Bradford and Murray—3.

And so the Senate refused to concur in said amendment. Ordered, that the clerk acquaint the House of Representatives therewith.

A bill authorizing the commissioners of school land to establish additional school districts—and a bill to encourage the manufacture of Iron in this state, were severally read a third and last time in both Houses, passed, and ordered to be enrolled.

A bill for the relief of the occupants south and west of the Congressional Reservation line, and for other purposes, was amended by Mr Feild, and on motion of Mr Bradford, ordered to lie on the table.

A bill in relation to suits for the recovery of school lands—a bill

explanatory of the law of 1829, prohibiting certain officers of court from speculating in county claims—and a bill to authorize Julius Dugger to build a toll bridge across Watauga river, were severally read a second time and passed.

Mr Anderson introduced a bill for the relief of George S. Yerger and George W. Churchwell, which was read and referred, on motion of Mr Anderson, to the committee on claims.

Received from the House of Representatives, a bill to authorize the Governor of this state to furnish the Rutherford Independents with arms, which was read a first time and passed.

Mr Murray submitted the following:

Resolved by the General Assembly of the State of Tennessee, That it shall and may be lawful to file in the Secretary's Office for adjudication, Grant No. 660, issued by the State of North Carolina to Samuel M'Craw, for 640 acres, and on its appearing to the satisfaction of the Secretary of State as commissioner for the adjudication of land claims, that the land called for in said grant cannot be identified, and that the land supposed to be that contained in said grant as near as practicable is now, and has long been held by enterers and grantees under the laws of this state, authorizing the entering of land at twelve and one half and one cent per acre, and provided it is made further to appear that said grant is founded on a good and valid warrant, and that no duplicate warrant has ever been issued to said claimant—then and in that case it is hereby made the duty of said commissioner to issue to said Samuel M'Craw, or his legal representatives, a duplicate land warrant for six hundred and forty acres.

And then the Senate adjourned.

SATURDAY, SEPTEMBER 29, 1832.

Mr Polk presented the petition of sundry citizens of Maury county, in relation to the revenue laws of this state, which was referred, on motion of Mr Polk, to the judiciary committee.

Mr Davis from the committee on land claims, to whom was referred a bill for the relief of the heirs of Wm. Gant dec'd., reported, that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage. —Said bill was read a first time and passed.

Mr M'Clellan from the committee on divorces, asked and obtained leave to be discharged from the further consideration of the petition of Margaret Bradley, praying for a divorce from her husband, John Bradley.

Mr Burford from the committee on banks, reported a bill for the benefit of George Crockett, bank agent for Sumner county, and recommended its passage. Said bill was read a first time and passed.

Mr Gillespy from the judiciary committee to whom was referred a bill to regulate executors, and administrators in the sale of the estate of deceased persons, reported, that the committee have had the

same under consideration, think its provisions correct and had instructed him to recommend its passage.—Said bill was read a first time and passed.

Mr Gillespy from the same, to whom was referred a petition of sundry citizens of Bedford county in relation to the laws on the subject of *ca sas*, reported, that the committee had instructed him to ask to be discharged from its further consideration, and that the same be laid on the table, which was granted.

A message from the House of Representatives by Mr. Campbell their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign an enrolled resolution appointing justices of the peace for the counties of Washington, Rutherford, Perry, Warren and Weakley, and an enrolled resolution referring certain grants for adjudication.—And then he withdrew.

The Speaker of the Senate signed said enrolled resolutions, and ordered them to be deposited in the office of the Secretary of State.

Mr Gillespy from the judiciary committee, to whom was referred a bill to amend the act of 1827 allowing defendants two days after judgment to stay execution or to take an appeal, reported that the committee have had the same under consideration; and had instructed him to report an amendment in lieu of the whole bill; the said bill and amendment were thereupon read.

Mr Murray moved that the bill and amendment be ordered to lie on the table. Whereupon the question was had and determined in the negative—ayes 5, noes 13. The ayes and noes being demanded constitutionally by Mr Greene,

The affirmative voters are, Mr Brabson, Bradford, Feild, Holman and Murray—5.

The negative voters are, Mr Speaker, Anderson, Andrews, Burford, Davis, Frey, Gillespy, Greene, M'Clellan, M'Iver, Perkins, Polk and Wyly—13.

And so said motion was lost.

Mr Bradford then moved the indefinite postponement of the said bill and amendment, and thereupon the question was had and dedetermined in the affirmative—ayes 12, noes 6. The ayes and noes being demanded constitutionally by Mr Greene,

The affirmative voters are, Mr Andrews, Brabson, Bradford, Burford, Davis, Feild, Greene, M'Clellan, M'Iver, Murray, Polk and Wyly—12.

The negative voters are, Mr Speaker, Anderson, Frey, Gillespy, Holman and Perkins—6.

And so said bill and amendment were indefinitely postponed.

Mr M'Iver's resolution of yesterday, referring grant No. 25,254, for one hundred and sixty acres, and Mr Murray's resolution of the same day, referring grant No. 660, for 640 acres, to the Commissioner for adjudication, were taken up, severally read and adopted. —Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

On motion of Murray, ordered, that the bill to incorporate the

Union Bank of Tennessee, be made the order of the day for Tuesday next.

Mr Frey returned with an amendment, providing for Margaret Bradley, a bill for the relief of Sarah Park, of Knox county. Said amendment was received.

Mr Greene asked and obtained leave to withdraw said bill for further amendment.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives have again taken up, on its third and last reading in both Houses, the bill to lay off the State into Congressional districts, and propose amending the same, by striking out the 12th and 13th districts, and inserting amendment hereto appended, marked A, in which they ask the concurrence of the Senate.—And then he withdrew.

Whereupon said amendment was read, and thereupon the question was submitted, will the Senate concur with said amendment, and determined in the affirmative—ayes 15, noes 2. The ayes and noes being demanded constitutionally by Mr M'Iver,

The affirmative voters are, Mr Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Feild, Frey, Gillespy, Greene, M'Clellan, Murray, Perkins and Wyly—15.

The negative voters are, Mr Holman and M'Iver—2.

And so said amendment was concurred in.

Mr Perkins, from the joint select committee on new counties, to whom was referred petitions from sundry citizens of the counties of Bedford, Franklin and Warren, asking for a new county to be composed of territory taken from said counties, reported,

That two petitions accompanied with plats of survey, each including the same territory to a considerable extent, had been submitted to them. The petition and survey laid before the General Assembly at the last session, for the proposed county De Kalb, the committee have had under consideration, upon which they find themselves unable to make a favorable report; for the reason, that it is objected to by the representatives from the counties of Franklin and Warren, upon the ground that it proposes to take more territory from those counties than they are willing to give up—that to constitute a county according to the survey before alluded to, would come so near their respective court houses, as to endanger their removal. It is also objected to by the representative from Bedford upon the ground, that there is a respectable and populous neighborhood in that part of said county adjoining the said counties of Franklin and Warren, that complain of the distance they live from their court house; and are here petitioning to be relieved by the establishment of a new county, in conformity with the Stone Fort Survey; and that by establising the said county De Kalb, they would not be included, and would forever after be deprived of the prospect of relief. It is also objected to by the Senator from Bedford, for the reason, that that portion of the citizens of said county would be placed further from the seat of justice than they are at present, and conse-

quently would be injnred thereby. The committee cannot therefore report favorable to said survey, contrary to the wishes of one of the Senators and the entire representation from the counties concerned.

The committee have also had under consideration, a petition asking for the establishment of a new county, the centre of which is intended to be at or near the Stone Fort. The objections taken and maintained in relation to the other, in this seems to be obviated, at least so far, as to injure the counties of Franklin and Warren, or to endanger the removal of their respective seats of justice. It also not only obviates the objections taken by that part of the citizens of Bedford before alluded to, but on the contrary they would be greatly relieved and benefitted thereby. The committee find a large and respectable portion of the citizens of the counties of Franklin and Warren included within the said Stone Fort survey, protesting against it, principally, however, those favorable to the county De-Kalb. They also find a respectable portion of the citizens of Franklin county, who are also petitioners for the establishment of the county De Kalb, that are left out of the Stone Fort survey, who reside between that and the county of Marion, who would remain at as great a distance from the court-house as any of the petitioners on either side, and that could never after be relieved. The committee are of opinion, that it would be improper to include a body of citizens in a new county without their consent, and therefore report unfavorable.

The committee are however, of opinion, that there is territory enough within the bounds of the three counties spoken of to form a new county without injury to either, off of which the territory is proposed to be taken; and the only difficulty that presents itself, grows out of the division that exists among the petitioners themselves, with respect to the manner in which it shall be bounded. They therefore recommend the passage of a law, establishing a new county, the territory of which to be taken from the counties of Bedford, Franklin and Warren, upon the following basis, to wit: Commissioners shall be appointed, whose duty it shall be to find the centre point between Shelbyville, Winchester and M'Minnville, or the point that shall be as near an equal distance from each of those towns as may be practicable—presuming that that point will be the centre of the surplus territory—and whose duty it shall also be, to employ a surveyor to run and designate the boundaries of said county, keeping in view the point before mentioned—keeping it as near the centre as practicable—paying proper respect to the distance from each of the respective court houses concerned, and including as many of the petitioners for both counties, as may seem just and right, so that the said survey shall not run nearer to M'Minnville, at any point, than the line of the Stone Fort survey now runs, or nearer to Winchester, at any point, than where the south boundary of said Stone Fort survey crosses the stage road from Winchester to Hillsborough, and leaving to Bedford its constitutional limits; and it shall further be the duty of the Commissioners who may be appointed, to designate

the scite for the seat of justice, to place it within —— miles of the point or spot first alluded to as the central point between the court-house towns aforesaid; provided, however, they can find within that distance, a suitable scite; and should they not be able to do so, then it shall be their duty to place it at the nearest scite that may be suitable and convenient for a town, and that may at the same time, seem to suit best the interest and convenience of the great body of the citizens of said county.

All of which is respectfully submitted.

ISHAM PERKINS, *Chairman.*

Mr Perkins then, as chairman aforesaid, introduced a bill to establish the county of ——

Mr Bradford offered thereto the following amendment, to wit:

That the Commissioner shall not run further west than a line commencing at a point in the south boundary line of Rutherford county, due north of the mouth of M'Bride's Creek in said county of Bedford, thence to the mouth of said creek, thence to the mouth of Nall's Creek, thence to the mouth of Riley's creek, thence to the north boundary of Franklin county; which amendment being received, said bill was read a first time and passed.

And then the Senate adjourned.

MONDAY, OCTOBER 1, 1832.

Mr M'Clellan presented a petition from John R. Delany and Wm. K. Blair, asking compensation for services rendered, in guarding Laben B. Williams, charged with homicide, from Blountsville to Rogersville, which was referred, on motion of Mr M'Clellan, to the committee on claims.

Mr Frey presented the memorial of Miller Francis, Treasurer of East Tennessee, which, together with its accompanying documents, were referred, on motion of Mr Brabson, to the committee on the Hiwassee District.

Mr Andrews presented a petition from sundry citizens of Henderson county, asking a preference right to be given to John and Barnet Rowark, for the purpose of building a mill on Middleton's Creek in said county, which was referred, on motion of Mr Andrews, to the committee on land claims.

Mr Gillespy, from the judiciary committee, to whom was referred the bill to extend the jurisdiction of the circuit courts of this State, reported, that the committee have had the same under consideration, and had instructed him to report an amendment in lieu of the whole.

Said amendment being read,

Mr M'Clellan moved to strike therefrom the words, "exclusive original jurisdiction," for the purpose of inserting, "concurrent jurisdiction with the county courts;" and the question thereon being

had, it was determined in the affirmative—ayes 12, noes 6. The ayes and noes being demanded constitutionally by Mr Greene,

The affirmative voters are, Mr Andrews, Bradford, Burford, Davis, Feild, Frey, Greene, Lytle, M'Clellan, M'Iver, Murray, and Wyly—12.

The negative voters are, Mr Speaker, Anderson, Brabson, Gillespy, Holman and Perkins—6.

And so said amendment was ordered; and thereupon the said report was concurred in, the bill read as amended a second time and passed.

Mr Gillespy, from the same, to whom was referred a bill giving the supreme court jurisdiction in certain cases, reported that the committee have had the same under consideration, and had instructed him to report an amendment in lieu of the whole.

On motion of Mr Bradford, said bill and report were ordered to lie on the table.

Mr Feild returned with an amendment, which was received, a bill to amend an act, entitled an act to authorize the drawing of a lottery, to clear out the obstructions to navigation in Obed's river, and to build a bridge across the same, passed Nov. 29th, 1831.

The said bill was thereupon read as amended a second time, and the question thereon being had, shall the bill pass, it was determined in the affirmative—ayes 10, noes 8. The ayes and noes being demanded constitutionally by Mr Murray,

The affirmative voters are, Mr Speaker, Anderson, Bradford, Burford, Feild, Gillespy, Holman, Lytle, M'Iver and Perkins—10.

The negative voters are, Mr Andrews, Brabson, Davis, Frey, Greene, M'Clellan, Murray and Wyly—8.

And so said bill passed its second reading.

Mr Murray returned with an amendment, which was received, a bill to pay the clerks of the supreme and chancery courts for their books; and being further amended by Mr Anderson, was read a second time and passed.

Mr Gillespy, from the judiciary committee, to whom was referred a bill to amend an act entitled an act to amend the registration laws of this State and for other purposes reported, that the committee have had the same under consideration, and had instructed him to recommend some slight amendments thereto, and to recommend its passage.

Said report was concurred in, the bill read as amended a second time and passed.

Received from the House of Representatives, a bill to authorize enterers to make void their entries, which being read, Mr Burford moved its indefinite postponement; and thereupon the question was submitted, will the Senate indefinitely postpone said bill, and determined in the affirmative—ayes 10, noes 7. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are, Mr Speaker, Bradford, Burford, Davis, Feild, Frey, Greene, Lytle, M'Iver and Murray—10.

The negative voters are Mr Anderson, Brabson, Gillespy, Holman, M'Clellan, Perkins and Wyly—7.

And so said bill was rejected.

Mr Anderson introduced a bill for the relief of Wm. C. Mynatt, of Knoxville, and Mr Murray, a bill directory to the register of the Western District, both of which were severally read a first time and passed.

A bill for the benefit of the surveyor general of the 8th district, was read a third time and passed.

A bill for the relief of the occupants south and west of the Congressional reservation line—a bill for the benefit of common schools—and a bill to amend the laws in relation to reporting lands for taxation, were severally read a second time and passed.

A bill for the relief of John C. Haley and his son John Haley, was, on motion of Mr Anderson, ordered to lie on the table.

Received from the House of Representatives, a bill for the relief of John Swindle, of White county, which was read a first time and passed.

Received from the House of Representatives, a bill repealing all laws requiring the several clerks of the courts in this State, to record all laws, and allowing fees therefor—and a bill for the benefit of those who made entries north and east of the Congressional reservation line, both of which were severally read a first time and rejected.

Mr Murray presented the following, which being read, he asked and obtained leave to have it spread upon the Journals, to wit:

Against the injustice of the vote of concurrence with the House of Representatives on their amendment to the bill laying off the State into Congressional districts, taken on Thursday 27th inst., I hereby enter my most solemn protest. That great injustice is done the people I have the honor to represent, is apparent upon the very face of the transaction, and what makes that injustice to the undersigned the more intolerable is, a knowledge of the facts and causes that produced it. It is well recollected, and I presume will not be denied by any one, and I take the present opportunity to make the statement, that when the subject of laying off Congressional districts was first taken under consideration by this Legislature, it was conceded generally, that as the Western District was rapidly increasing in population it should have districts containing fewer inhabitants according to the census, although of necessity embracing much more territory than older sections of the State. Circumstances, however, soon after created apprehensions in my mind that, however correct the view thus taken, it would have to give way to more powerful considerations. It was soon openly avowed by some that the members representing East Tennessee (eighteen out of twenty one) were determined under every circumstance, that the counties of Maury and Bedford, lying in the centre of the State and remotely situated from them, should be connected in a district. The reasons for this determination it is not now my province to suggest, nor would it have been spoken of, but, that in its accomplishment, palpable and mani-

fest injustice has been done as I conceive to my constituents. That portion of the State in which I reside, having fewer representatives in proportion to territory and population than other portions of the State to defend its rights, it was made more easily the victim of ambition and favoritism. To support this solemn declaration, a candid world is referred to the journals of the Senate for testimony. It will there be found, that at an early period in the session, a joint committee was appointed, composed of members of each branch of the Legislature and from each section of the State, to take this subject into consideration. The committee soon after met and it was agreed that East Tennessee should have four districts, and that as the arrangement of said districts was a matter purely local, a division of the members of East Tennessee from those of Middle Tennessee and the Western District should be made, and that the members of said committee from East Tennessee should arrange their districts, whilst those of Middle Tennessee and the Western District should do the same. The sub-committees thus formed, agreed upon a plan of districts for each of their sections of the State, and reported the same to the general committee. The report of the East Tennessee sub-committee was concurred in, whilst the report of the sub-committee for Middle Tennessee and the Western District was non-concurred in, although supported by a majority of the members immediately concerned and interested, as the representatives of the people of the country thus laid off, and agreeable to the wishes of a considerable majority of the members of Middle Tennessee and the Western District; yet strange to say, almost the entire representation of E. Tennessee in solid phalanx voted for a non-concurrence, which prevailed. The report thus non-concurred with, gave to the twelve extreme western counties of the State, two Congressional districts with a federal population of upwards of seventy-four thousand, but it did not place the counties of Maury and Bedford together (nor could it well be done without bearing hard on some other portions of the State, such was the locality of counties,) and hence it must be overturned and another one adopted, which contained provisions entirely unjust as regards the Western District, but annexing, however, the county of Bedford to the county of Maury, a condition considered indispensable by some, in the arrangement of districts. Upon the report of the committee to the house being made, a motion was submitted again, making the twelve western counties two districts; this necessarily required (to avoid injustice elsewhere) that the counties of Maury and Bedford should be separated. Upon this proposition nine of the members of the Senate out of fourteen representing Middle Tennessee and the Western District, were found to be favorable to it; but yet it was rejected. A motion was then submitted somewhat different, doing justice, however, to the Western District, but which still separated Maury from Bedford. This proposition received the united vote of ten members of Middle Tennesse and the Western District, out of fourteen, whilst every Senator from East Tennessee voted against it except one, and by this one vote the amendment prevailed. A member of West Ten-

nessee believing, however, that more satisfactory districts could be formed of the counties surrounding him, made a proposition further to amend the amendment; doing equal justice, however, to the Western District, but placing the county of Bedford, with the counties of Warren and Franklin; upon this amendment I voted in the affirmative, as also did five out of the six Senators from East Tennessee; but, influenced as I believed then, and circumstances which have since transpired shew to be so, by very different considerations; the motion, however, prevailed; and in this shape the bill passed the first reading. Upon the second reading of the bill, it will appear by reference to the Senate's Journal, that a motion was made to change a portion of the districts in the centre of the State. Believing that the change was necessary, and as it did not alter the districts in which I had an immediate interest, I voted for it, as did eight others from W. Tennessee, making nine out of fourteen of the Senators immediately concerned. Upon this occasion, five out of six (the East Tennessee Delegates) voted against the proposition—evincing a total disregard of the wishes of a majority of the members representing Middle Tennessee and the Western District. Upon the failure of this amendment, it will be further seen, that a motion was made, to make fifteen counties of the extreme West into two districts—one with a population of 50,633, and composed of nine counties, lying and extending from the Kentucky line to the State of Mississippi, and bordering on the Mississippi river; and the other, with a population of 44,693, and composed of six counties, extending from the northern to the southern boundaries of the State; and by the same proposition, a district was made of Smith and Sumner counties, with a population of 35,811, and, notwithstanding all the considerations previously urged and admitted, of the injustice of thus forcing upon the West such large districts, yet, as by the arrangement, Bedford and Maury were connected in one district, the whole of the East Tennessee delegation, except one, united upon it, and passed the bill in this shape a second reading.

The undersigned forbears giving a further history of the progress of the bill, the same feeling having been exercised on its third reading, as was displayed during the early part of its consideration; but he feels himself constrained to remark upon the singularity of the fact, that notwithstanding the Senate passed the bill a third time, as he believes, upon just and equitable principles; and he must conclude a majority of the Senate believed it was in the best possible shape, yet, either wanting confidence in their own acts, or having secured, beyond the danger of alteration in the Senate, one part of the bill, they were indifferent about the balance, and were willing to be moved or dictated to by the House of Representatives, and therefore adopted the amendment complained of, and which they only two days before had changed the bill from; thereby riveting on my constituents an excess of population for the next ten years, and for no other reason, as I candidly believe, but to favor the views of aspirants to office elsewhere. In this belief I am warranted by the fact, that during the pendency of the bill in question, as has

been observed, I was frequently told that the East Tennessee delegation would agree to no plan of districts that did not unite Bedford and Maury together. From this declaration and other corresponding acts, I am irresistibly led to the conclusion that the interests of my constituents have been sacrificed to ambition and favoritism. Against such management and juggling, contrary to every principle which I believe should govern a magnanimous Legislature, as the representatives of a free people, I believe it to be my duty to protest; and as the result is so injurious to the people I represent, I have believed it to be my duty to state the causes giving rise to that protest, that my constituents and the world may know how this matter progressed and terminated.

ROBERT MURRAY.

Senate Chamber, October 1, 1832.

TUESDAY, OCTOBER 2d, 1832.

Mr. Greene presented the petition of John Wright, a citizen of Roane county, asking to be released from the payment of certain monies therein mentioned, which was referred, on motion of Mr Greene, to the committee on the Hiwassee District.

Mr. Anderson submitted the following:

Whereas it is the imperious duty of every Legislative body to preserve and defend their honor, dignity and official character, and promptly to punish any and every infraction and violation thereof: and whereas, in a paper document purporting to be the protest of Robert Murray, of Carroll county, one of the members of the Senate of the General Assembly of the State of Tennessee, at his request spread upon the Journals of the Senate, against the passage of the bill entitled "a bill to divide the State of Tennessee into districts for the election of Representatives to the Congress of the United States," certain members of both branches of the Legislature are charged with *ambition*, *favoritism*, *management* and *juggling*, in their voting and conduct during the progress and passage of said bill: and whereas, charges of the nature and character contained in said document or protest, thus deliberately made and spread upon the Journals of the Senate, as aforesaid, that the world may see the infamy and disgrace of the members of this Legislature, imputed to them in said protest, is such an act as, in the opinion of this Senate, ought to be punished by expelling the said Robert Murray from a seat therein. Therefore, be it resolved, that Robert Murray, a member of the Senate from the county of Carroll, for the slanderous and libellous matter contained in the above document, or protest, against certain members of this Legislature, be, and he is hereby, expelled from his seat in the House.

Mr Bradford moved a suspension of the rule requiring resolutions to lie one day on the table, and the sense of the Senate thereupon being had, said motion was lost.

Mr Holman introduced a bill to extend the jurisdiction of the circuit courts—Mr Perkins, a bill to make the common school commissioners, commissioners of the school land, and to make an equal distribution of the fund among all the inhabitants of Warren county —Mr Davis, a bill for the benefit of John Butler—Mr Greene, a bill to abolish the bank of the State of Tennessee—and Mr Gillespy, a bill to extend certain powers to the school commissioners therein mentioned, which were severally read a first time and passed.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker—The House of Representatives concur with your resolutions referring grants No. 25,254 and No. 660, to the commissioner for adjudication. The Speaker of the House of Representatives did this day sign an enrolled bill entitled an act to divide the State of Tennessee into districts for the election of Representatives to the Congress of the United States. The House of Representatives have accepted the resignation of Joseph Wood, Inspector of the Penitentiary. They have adopted a resolution appointing a Justice of the Peace for the county of Grainger, and a resolution to go into the election of an Inspector of the Penitentiary on Friday next, in which they ask the concurrence of the Senate—and then he withdrew.

Whereupon the said resolutions were read and concurred in.—The resignation of Joseph Woods was also read and accepted. The Speaker signed the said enrolled bill to divide the State of Tennessee into Congressional districts, and ordered it to be deposited in the office of the Secretary of State.

A bill authorising the county courts of Greene and Washington to appoint each a surveyor to run part of the dividing line between said counties—a bill to incorporate the Union Bank of Tennessee—a bill for the relief of the heirs and devisees of James Shepard, deceased—a bill to amend the laws incorporating the town of Jackson, in the county of Madison—a bill for the relief of Bradford and Deckard, of Franklin county—a bill for the relief of Thomas White and others—a bill for the relief of Lewis Ross—a bill to amend an act entitled an act, authorizing executors and administrators to sell real estate in certain cases—a bill to regulate executors and administrators in the sale of the estate of deceased persons—a bill for the relief of the heirs of Wm. Gantt—a bill for the benefit of the proprietors of the bridge and causeway across the North Fork and bottom of Obion river at Finch's bridge in Weakley county—a bill for the benefit of George Crockett—a bill for the benefit of the Tipton troop—a bill for the benefit of James Whitsett—a bill to authorize the county court of Cocke county to establish certain turnpike roads—a bill to authorize the boundaries of the townships of the county of Overton to be designated—a bill prescribing the manner in which the school funds north and east of the Congressional reservation line shall be collected—a bill for the benefit of Benjamin James, a free man of color—a bill for the relief of certain citizens of Humphreys county—a bill for the relief of Sa-

rah Park and others—a bill to repeal so much of an act, entitled an act concerning free persons of color, and for other purposes, passed Dec. 16, 1831, as requires the emancipators of slaves to remove them without the limits of the State—a bill for the relief of John Rymall—a bill to repeal an act, entitled an act for the benefit of Overton county, passed Dec. 9, 1831—a bill for the benefit of John Cooney—a bill to amend an act, entitled an act for the benefit of common schools in this State—and a bill establishing the 128th regiment of militia in the county of Gibson, were severally read a second time and passed.

On motion of Mr Greene, ordered that Messrs Gillespy and Brabson be added to the committee on the Hiwassee District.

A bill for the relief of Nathaniel Ragan, of Blount county—a bill for the relief of Thomas Maxwell, of Blount county—a bill to compel clerks to do their duty—a bill to amend an act passed the 17th of December, 1831, entitled an act to establish a board of internal improvement for the counties therein mentioned, and for other purposes—and a bill to establish a turnpike road from the town of Murfreesboro' to the top of the ridge in the direction to M'Minnville, were severally read a third time and passed.

Received from the House of Representatives, a bill concerning a part of the internal improvement fund of Humphreys county—a bill to repeal an act to authorize Jas. W. Wyly, to sell certain real estate —a bill to authorize the mayor and Aldermen of the town of Jonesborough to drawa lottery—a bill for the relief of the Commissioners of improvement of Wolf river in Fayette county—a bill for the relief of John Crozier and son—a bill prescribing the mode of taxing costs in criminal prosecutions—a bill for the benefit of John Walker Jr—a bill for the benefit of Wm. B. Sorrells—a bill to amend the penal laws of this State—a bill to increase the common school fund in each county in this State—and a bill for the benefit of Wilson Coats, which were severally read a first time and passed.

The Senate took up, on motion of Mr Anderson, a bill for the relief of John C. Haley and his son John Haley, and after some discussion being had thereon, said bill was on motion of Mr Greene, ordered to lie on the table until Saturday next.

A message from the House of Representatives by Mr Campbell, their clerk

Mr Speaker: The House of Representatives concur in the Senate's resolution to adjourn the present session of the General Assembly on the 16th inst. they non-concur with the Senate's amendment to the bill to provide for the taking the enumeration of the free male inhabitants of this state.—And then he withdrew.

Whereupon, on motion of Mr Burford, it was ordered that the Senate insist upon the amendment proposed, and that the clerk acquaint the House of Representatives therewith, and again ask their concurrence therein.

And then the Senate adjourned.

WEDNESDAY, OCTOBER 3, 1832.

Mr M'Clellan presented the resignation of Andrew Crockett, a justice of the peace for Sullivan county, which was read, accepted, and ordered to be transmitted to the House of Representatives.

Mr Wyly presented the petition of George G. M'Kay, asking a grant for a certain quantity of Mountain land, for the benefit of an Iron forge, which was read and referred, on motion of Mr Wyly, to the committee on internal improvement.

Mr Murray presented the petition of sundry citizens of Dyer county, in relation to lands lying within the bounds of said county, belonging to the University of North Carolina, which was referred, on motion of Murray to the committee on propositions and grievances.

Mr M'Iver presented the petition of sundry citizens of Hardeman county, asking a donation of fifty acres of land for the use and benefit of Lafayette Academy in said county, which was referred, on motion of Mr M'Iver, to the committee on education.

The preamble and resolution submitted on yesterday by Mr Anderson, proposing to expel the Senator from Carroll was taken up and read, and thereupon,

Mr Murray submitted the following, to wit:

The undersigned protesting against the power of the Senate to hold him responsible for matters alleged to be contained in his protest made on Wednesday last, the right of making which, is secured to each member of the constitution for the express purpose, as he believes, of restraining improper legislation. But waiving all exceptions of that kind in the present case, challenges an investigation of the facts contained in his protest, and resting on a full and entire belief of their correctness, demands a specification of that part of his protest charged to be scandellous and libellous, and the privilege of summoning witnesses, to be examined either before the Senate, or a committee of investigation, to sustain the statements therein contained.

ROBERT MURRAY.

Mr Bradford the following:

Resolved, That Robert Murray, a member of the Senate, whose expulsion is moved by a resolution submitted to this Senate, be permitted to introduce, at the bar of this House, such testimony as he may choose, to sustain the truth of what is alleged to be slanderous and libellous in his protest submitted on Monday last and spread upon the Journals of the Senate.

On motion of Mr Brabson, the preamble and resolution of Mr Anderson, together with the statement of Mr Anderson, were ordered to the table until to-morrow.

Mr Holman submitted the following:

Resolved by the General Assembly of the State of Tennessee, That James Peake, James C. Officer, Willie B. Miller and Wm. Turner be, and they are hereby appointed justices of the peace in and for the county of Overton.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.—Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr Gillespy introduced a bill to explain and amend an act entitled an act to prevent a sacrifice of real estate and for other purposes, passed 28th July, 1820, which was read a first time and passed.

Received from the House of Representatives, a bill to amend an act entitled an act more effectually to prevent gaming—a bill for the benefit of Abram and Jones Whitesides, of Hickman county—a bill for the benefit of Ellen Hilyer, of Dyer county—a bill relative to the registration of deeds, and for other purposes—a bill to establish and incorporate the Boiling Spring Academy in Williamson county—a bill appropriating money to defray the expenses of the survey of a rail road route from Paint Rock at the North Carolina line to Knoxville—a bill to repeal an act supplemental to an act to provide the manner in which costs in criminal cases shall be paid, and for other purposes—a bill to divorce Eliza Jane Tate from her husband John Tate—a bill making provision for the purchase and distribution of Rhea's map of Tennessee—a bill to change the name of Temperance M'Millan—a bill to change the name of Harrisburgh, in the county of Haywood—a bill to establish a town on the lands of Wm. C. Rodgers, in the county of Henry—a bill to amend an act entitled an act more amply to provide for the poor—a bill amendatory of the road laws—a bill to repeal the laws allowing lotteries in this State, and to prevent lottery tickets from being sold—a bill to divorce John Clendennen from his wife Elizabeth—a bill to encourage commercial enterprize in this State—a bill for the relief of the heirs of Drury Smith, of Giles county—a bill making an appropriation to defray the expenses of the 2nd session of the General Assembly—and a bill to regulate the service of process before justices of the peace; all of which were severally read a first time and passed.

A bill for the relief of James Hammonds—and a bill to incorporate the town of Kingston, and to provide for the re-survey of said town, were severally read a third time and passed.

A bill to incorporate the town of Raleigh, in the county of Shelby—a bill for the benefit of Terry H. Willie—a bill to authorise Mary Humphreys, of Carter county, to emancipate certain persons therein named—a bill prescribing the duties of the Trustees of Bolivar Academy, in the county of Monroe—a bill extending the bounds of the corporation of the town of Trenton—a bill for the benefit of the Paris Guards—and a bill for the relief of Laney Moore, were severally read a second time and passed.

A bill to make transfers of land to common schools less expensive, was read and rejected.

Received from the House of Representatives, a bill for the relief of Enoch Anderson. Said bill proposed to pay to the said Anderson, the sum of twenty-two dollars and fifty cents, the value of a gun pressed into the service of the United States.

Mr. Burford offered an amendment in lieu of the whole bill, making it the duty of the Treasurers of this State, to pay out of the State Treasury, such sums as may be satisfactorily authenticated and established, for all arms pressed into the service of the United States, during the late war, to the respective claimants. And thereupon the question was had, will the Senate receive said amendment, and determined in the negative—ayes 2, noes 14. The ayes and noes being demanded constitutionally by Mr Burford,

The affirmative voters are Mr Burford and Mr Holman—2.

The negative voters are, Mr. Andrews, Brabson, Bradford, Davis, Feild, Frey, Gillespy Greene, Jetton, M'Clellan, M'Iver, Perkins, Polk and Wyly—14.

And so said amendment was rejected.

The question then recurred upon the passage of the bill, and being thereupon had, it was determined in the negative—ayes 7, noes 9. The ayes and noes being demanded constitutionally by Mr Burford,

The affirmative voters are, Mr Andrews, Brabson, Bradford, Greene, Holman, Perkins and Wyly—7.

The negative voters are, Mr. Burford, Davis, Feild, Frey, Gillespy, Jetton, M'Clellan, M'Iver, Polk—9.

And so said bill was rejected.

And then the Senate adjourned.

THURSDAY, OCTOBER 4, 1832.

Mr Davis, from the committee on land claims, to whom was referred the petition of John and Barnet Rowark, reported that the committee have had the same under consideration, think the prayer of the petitioners reasonable, and had instructed him to report a bill for the benefit of John and Barnet Rowark, and to recommend its passage. Whereupon said bill was read a first time and passed.

Mr Gillespy, from the judiciary committee, to whom was referred a bill to amend and explain the several acts relating to costs in State cases, a bill to provide for the collection of costs in certain cases, a bill making further provision for the recovery of distributive shares and filial portions, a bill directing the manner of taxing costs on proceedings on scire facias, a bill concerning the registration of bills of sale for slaves, and a bill to repeal an act, passed Dec. 20th, 1831, entitled an act, to amend the registration laws of this State, and for other purposes, reported, that the committee have had the same under consideration, think them just and reasonable, and had instructed him to recommend their passage. Whereupon said bills were severally read and passed.

Mr Gillespy from the same, to whom was referred a bill to extend the jurisdiction of the courts of common law in cases where fraud has entered into the consideration of sealed instruments, whereby they are rendered void, and a bill to amend the several acts concerning sheriffs, reported that the committee have had the same un-

der consideration, think the provisions thereof unreasonable, and had instructed him to recommend their rejection. Whereupon said bills were severally read and rejected.

Mr Gillespy, from the same, to whom was referred the petition of Martin Bowls, of Claiborne county, praying to have certain monies therein mentioned, refunded to him, reported, that the committee had instructed him, to ask to be discharged from its further consideration, and to recommend its reference to the committee on claims. Said report was concurred in.

Mr Gillespy, from the same, to whom was referred a bill to authorize the judges of the circuit courts to sign bills of exceptions in certain cases, reported, that the committee had had the same under consideration, believe it unreasonable in its provisions, and had instructed him to recommend its rejection.

Mr Gillespy moved a non-concurrence with said report; and the question thereon being had, it was determined in the affirmative—ayes 12, noes 7. The ayes and noes being demanded constitutionally by Mr Greene,

The affirmative voters are, Mr Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Gillespy, Holman, Jetton, M'Clellan, M'Iver and Perkins—12.

The negative voters are, Mr Davis, Feild, Frey, Greene, Murray, Polk and Wyly—7.

And so said report was non-concurred with.

Mr Polk, from the committee of enrolments, reported as truly enrolled, an act authorizing the trustees of common school lands to establish additional school districts, an act to encourage the manufacture of iron in this State, a resolution appointing justices of the peace for Greene county, a resolution appointing a justice of the peace for Maury county, a resolution referring grant No. 25,254, to the Commissioner of land claims for adjudication, a resolution referring grant No 407 to the Commissioner for adjudication, a resolution appointing justices of the peace for Marion county, a resolution appointing justices of the peace for the county of Maury, a resolution appointing justices of the peace for Overton county, and a resolution referring grant No. 660 to the Commissioner for adjudication.

Said enrolled bills and resolutions were signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

Mr Perkins submitted the following:

Resolved, That the Secretary of State, as Commissioner of land claims, receive and file for adjudication, grants No. 21,196 and No. 21,197, issued by the State of Tennessee.

And the rule requiring resolutions to lie one day on the table, being suspended, said resolution was adopted.—Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr M'Clellan submitted the following:

Resolved by the General Assembly of the State of Tennessee, That Daniel Brenstutter and William Rutledge, Sen. be, and they are

hereby appointed justices of the peace in and for the county of Sullivan.

Mr Burford submitted the following:

Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the Secretary of State, as Commissioner of land claims, to issue to the heirs of John W. Hamilton, a warrant for 520 acres, part of grant No. 407; provided said grant is founded on a good and valid warrant.

And the rule requiring resolutions to lie one day on the table, being suspended, said resolution was, on motion of Mr Burford, referred to the committee on land claims.

Mr Anderson submitted the following:

Whereas, Robert Murray, a member of this House, against whom a resolution of expulsion is pending, has memorialized the Senate in the following words, to wit:

"The undersigned, protesting against the power of the Senate to hold him responsible for matters alleged to be contained in his protest, made on Monday last; the right of making which is secured to each member by the constitution, for the express purpose, as he believes, of restraining improper legislation. But waiving all exceptions of that kind in the present case, challenges an investigation of the facts contained in his protest; and resting on a full and entire belief of their correctness, demands a specification of that part of his protest charged to be scandalous and libellous; and the privilege of summoning witnesses to be examined, either before the Senate or a committee of investigation, to sustain the statements therein contained." ROBERT MURRAY."

October 3, 1832.

And whereas the member from Bedford has offered a resolution, for the adoption of this House in the following words, to wit:

"*Resolved*, That Robert Murray, a member of the Senate, (whose expulsion is moved by a resolution submitted to this Senate,) be permitted to introduce at the bar of this House such testimony as he may choose, to sustain the truth of what is alleged to be slanderous in his protest, submitted on Monday last, and spread upon the Journals of this House."

And whereas the preamble to the resolution for the expulsion of the said Robert Murray has explicitly set forth, that the ground upon which said resolution was offered, is that the said Robert Murray has impeached the motives of certain members of this House, in their official conduct, in a protest that was placed on the Journals at this request, in which said members are charged with having unjustly injured his constituents, by juggling and management, through partiality and favoritism. The Senate believing that the exceptionable part of said protest has been specified with sufficient precision for his comprehension, as well as of all others, deem it unnecessary to specify again in any other manner. And the Senate—believing the remaining request of said memorial, and the said resolution offered by the member from Bedford, as an attempt made, for the first time since the organization of this government, to convert this

House into a court of inquisition upon the integrity and purity of the motives which may have actuated its members in their official conduct—deem it a proper occasion to disclaim all right and authority to sit in judgment on the motives of any of its members in the discharge of their official duties. Under the constitutional organization of this House, the members thereof meet together as equals, recommended to each other's confidence by the confidence of an enlightened, free and sovereign people; enhanced by the obligations of a solemn oath. As a body they are expressly clothed with power, as it was necessary and proper for their own preservation they should be, to punish and expel any member for *disorderly behaviour*. But it would have been degrading to the members, and incompatible with that confidence which a sovereign people had placed in them, as well as extremely impolitic, to have constituted them judges and triers of each other's motives. Such a provision would have sown the seeds of jealousy and discord, which would lead to confusion, violence, and the dissolution of the body. Wherefore the framers of our constitution wisely withheld from this body any jurisdiction over the motives of its members in the discharge of their official duty. To institute such an enquiry would be unconstitutional; to execute it would be a wanton consumption of the time of this House, a direct insult to the member implicated, a contempt to his constituents, an usurpation which might distract their deliberations upon the public business, lead to discord and violence, expose this body to contempt and ridicule, and the just animadversion of the sovereign people they represent.

It is therefore resolved,

That this Senate hears with regret, at any time, any imputation deliberately made against the motives of any of its members, and views with most decided disapprobation the attempt now made to disturb the harmony and peace of this house, and degrade its dignity and character, by opening an investigation of the character sought for in the above memorial and resolution.

On motion of Mr Burford, the foregoing, together with all relating to this subject, was ordered to lie on the table till Monday next.

Mr Bradford withdrew for amendment, a bill to divorce Wm Hall from his wife, Phœbe Hall.

A message from the House of Representatives by Mr. Campbell, their clerk.

Mr. Speaker: The Speaker of the House of Representatives did this day sign enrolled bills and resolutions of the following titles, to wit: an act for the relief of Nathaniel Ragan—an act for the benefit of the surveyor general of the 8th district—an act for the benefit of Anderson S. Britt—a resolution appointing Justices of the peace for the counties of Carroll, Montgomery and Marion—and a resolution appointing Justices of the Peace for the county of Grainger. The House of Representatives have adopted resolutions appointing Justices of the peace for the counties of Wilson, Hardin, White, Weakley, Davidson, Henry and Stewart; a resolution referring a

John Armstrong, warrant No. 595 to the commissioner for adjudication; and a resolution directory to the Registers of East and West Tennessee. They concur in the Senate's amendment to a bill to provide for the taking the enumeration of the free male inhabitants of this State. They have taken up, on a third and last reading in both Houses, a bill to establish a turnpike road from the town of Murfreesboro' to the top of the ridge in the direction to M'Minnville, and propose an amendment thereto herewith transmitted, in which they ask the concurrence of the Senate.—And then he withdrew.

The Speaker of the Senate signed said enrolled bills and resolutions, and ordered them to be deposited in the office of the Secretary of State.

The Senate concurred in the resolutions appointing Justices of the peace for the counties of Wilson, Hardin, White, Weakley, Davidson, Henry and Stewart; and also, in the resolution referring warrant No. 595 to the commissioner for adjudication.

The resolution directory to the Registers of East and West Tennessee, was, on motion of Mr. Davis, referred to the committee on land claims.

The Senate non-concurred with the amendment proposed to a bill to establish a turnpike road from the town of Murfreesboro' to the top of the ridge in the direction of M'Minnville.

And the bill to provide for the taking the enumeration of the free male inhabitants of this State, was thereupon taken up and read; and the question thereon being had, shall the bill pass, it was determined in the negative—ayes 9, noes 9. The ayes and noes being demanded constitutionally by Mr. Jetton,

The affirmative voters are, Mr Speaker, Brabson, Feild, Gillespy, Holman, M'Clellan, M'Iver, Polk and Wyly—9.

The negative voters are, Mr. Anderson, Andrews, Burford, Davis, Frey, Greene, Jetton, Murray and Perkins—9.

And so said bill was rejected.

And thereupon Mr Anderson moved its reconsideration, which prevailed.

On motion of Mr. Brabson, the said bill was ordered to the table. The Senate took up, on a third and last reading in both houses, a bill to divorce Mahala Shaw from her husband George W. Shaw.

Mr. Greene moved to amend, by providing for the divorce of Elizabeth M'Clure from her husband Charles C. M'Clure.

Mr. Anderson, by providing for the divorce of John Cox from his wife Phœbe Cox, and Polly Guthrie from her husband, Peyton H. Guthrie.

And Mr. Murray, by providing for the divorce of Thomas Ross from his wife Catharine Ross.

And said several motions prevailing, it was ordered that the clerk do by message acquaint the House of Representatives therewith, and ask their concurrence therein.

The Senate also took up, on a third and last reading in both hous-

es, a bill for the benefit of Thomas J. Barker, a free man of color.

Mr. Gillespy moved to amend said bill by striking from the 2nd section thereof the name of "Michael Tidford," for the purpose of inserting in lieu the name of "Lot Sterling," which motion prevailing, it was ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Received from the House of Representatives, a bill to repeal the act of 1831, chapter 81, and further to define and prescribe the punishment of the offence of violating the graves, and the disturbance of the bodies of the dead—a bill for the benefit of the heirs of James M'Kensie, deceased—a bill for the benefit of Benjamin Drane—a bill to correct a mistake in the issuance of grant No. 25,411, to John Lea—a bill for the benefit of Sabray Henry, of Davidson county—a bill for the benefit of Alexander Brown—a bill to amend the third section of an act giving further time for surveying entries and obtaining grants thereon—a bill authorising the Judge of the 7th circuit to issue certificates in certain cases—a bill to authorize the persons therein named to set apart certain vacant land for the purpose of building mills thereon—a bill to incorporate the Porter female academy in the county of Williamson—a bill to remove the sitting of the court of chancery from Franklin to Nashville—a bill for the relief of Mark M. Andrews and others—a bill to divorce Martha A. S. Clay from her husband Samuel Clay—a bill giving the supreme court jurisdiction in certain cases—a bill to extend the corporation of the town of Memphis—a bill to establish an additional regiment in the county of Weakley—a bill making provisions that poor and honest persons shall not be prevented from paying their just debts—a bill for the relief of Charles Howell, jailer of Washington county—and a bill to increase the common school fund of this State; all of which were severally read a first time and passed.

Mr. Wyly returned a bill to amend an act entitled an act to settle the controversy between the colleges and academies, and the citizens south of French Broad and Holston, and west of Big Pigeon rivers, passed 31st December, 1829. Said bill was read a second time and passed.

Mr Greene introduced a bill to amend the penal laws of this State—Mr Burford, a bill for the benefit of John Barnard—Mr Perkins, a bill to repeal the 2nd section of an act entitled an act for the benefit of Jesse Savage, of Warren county—and Mr Gillespy, a bill for the relief of the surveyor general of the Hiwassee District—all of which were severally read a first time and passed.

Mr. Feild returned a bill for the benefit of common schools, which was read a second time and passed.

A bill for the benefit of Elihu Leffew—a bill explanatory of the law of 1829 prohibiting certain officers of court from trading in county claims—a bill to amend an act entitled an act to amend an act for the relief of executors and administrators—and a bill to amend an act entitled an act giving further time for surveying entries and ob-

taining grants thereon, were severally read a third and last time in both houses, passed and ordered to be enrolled.

And then the Senate adjourned.

FRIDAY, OCTOBER 5, 1832.

Mr Frey from the committee on finance, to whom was referred a bill for the benefit of Henry Stephens of Monroe county, reported that the committee have had the same under consideration, think its provisions reasonable, and had instructed him to recommend its passage. Said bill was thereupon read a second time and passed.

Mr M'Iver from the committee on propositions and grievances, to whom was referred a bill to amend and explain an act more amply to provide for the poor, reported that the committee have had the same under consideration, think it reasonable, and had instructed him to report the same with a slight amendment, and to recommend its passage. Said amendment was received, and the question thereon being had, shall the bill pass, it was determined in the affirmative—ayes 10, noes 9. The ayes and noes being demanded constitutionally by Mr M'Iver,

The affirmative voters are Mr Anderson, Andrews, Brabson, Davis, Holman, Lytle, M'Clellan, M'Iver, Murray, and Wyly—10.

The negative voters are Mr Speaker, Bradford, Burford, Feild, Frey, Gillespy, Greene, Jetton, and Polk—9.

And so said bill passed its second reading.

Mr Burford introduced a bill to provide more effectually for the improvement of roads, and for the relief of the good citizens of this state, which was read a first time and passed.

Mr. M'Clellan's resolution of yesterday, appointing justices of the peace for Sullivan county, was taken up, read and adopted. Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives are now ready to receive the Senate, for the purpose of going into the several elections set apart for this day.—And then he withdrew.

Whereupon the Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives, and proceeded to the election of an Inspector of the Penitentiary; and upon collecting and counting the ballots, Francis Porterfield, of the town of Nashville, was declared to be duly and constitutionally elected. The two Houses next proceeded by joint ballot to the election of a Senator to the Congress of the United States, for six years from the 4th of March next; and after 18 unsuccessful ballottings, Mr. Davis moved a recess until to-morrow morning 10 o'clock; which prevailing, the Speaker and gentlemen of the Senate returned to their own chamber.

And then the Senate adjourned.

SATURDAY, OCTOBER 6, 1832.

Mr. Murray from the committee on claims, to whom was referred the petition of Martin Bowls, of Claiborne county, praying to have certain monies therein mentioned refunded to him, reported that the committee have had the same under consideration, believe the prayer of the petitioner unreasonable, and had instructed him to recommend its rejection. Said report was concurred in.

Mr Frey from the committee on finance, to whom was referred, a bill explanatory of an act passed December 14th 1831, entitled an act to equalize the tax on wholesale and retail merchants, jewellers and auctioneers, reported that the committee had had the same under consideration and had instructed him to report an amendment in lieu of the whole from the enacting clause, and to recommend its passage. Said report was concurred in, the amendment received, the bill read, as amended, a second time and passed.

A message from the House of Representatives, by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign an enrolled resolution referring certain grants for land lying south of French Broad and Holston and west of Big Pigeon rivers, for adjudication.—And then he withdrew.

Whereupon, the Speaker of the Senate signed said enrolled resolution, and ordered it to be deposited in the office of the Secretary of State.

Mr Greene from the committee on the Hiwassee District, reported a bill for the benefit of John Wright—and a bill making compensation to Miller Francis, Treasurer of East Tennessee, and recommended their passage. Whereupon said bills were severally read a first time and passed.

Mr Wyly returned without amendment, a bill to establish a Volunteer Company in Trenton. Said bill was read a second time and passed.

Mr Holman introduced a bill supplemental to an act, entitled an act, to divide the State of Tennessee into Districts, for the election of Representatives to the Congress of the United States, which was read a first time and passed.

Mr Bradford returned, with an amendment which was received, a bill to divorce Wm. Hall from his wife Phœbe Hall, which being further amended by Mr Feild, was read a second time and passed.

A message from the House of Representatives, by Mr Campbell, their clerk.

Mr Speaker: I am directed to inform the Senate, that the House of Representatives are now ready to proceed with the election of a Senator to the Congress of the United States, and respectfully invite their immediate attendance.

Whereupon, the Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives, and resumed the ballottings, and after collecting and counting the ballots, the 12th time, there were for Felix Grundy twenty—for John H. Eaton eighteen—

—and for Ephraim H. Foster twenty two votes—and thereupon Mr Turney moved that the two Houses adjourn without day, which prevailing—ayes 40, noes 20—the Speaker and gentlemen members of the Senate returned to their own chamber.

And then the Senate adjourned.

MONDAY, OCTOBER 8, 1832.

Mr Gillespy presented the petition of sundry citizens of Blount county praying an amendment to the penal laws, which was referred, on motion of Mr Gillespy, to the committee on propositions and grievances.

Mr Gillespy also presented the petition of sundry citizens of Blount county on the subject of public arms, which was also referred to the committee on military affairs.

Mr Davis from the commitee on land claims, to whom was referred a bill limiting the time of making surveys of entries, reported that the committee had instructed him to ask to be discharged from its further consideration, which being granted, said bill was, on motion of Mr Feild, ordered to lie on the table.

Mr Murray from the committee on claims, to whom was referred the petition of John R. Dulany and Wm. K. Blair, reported that the committee have had the same under consideration, think the prayer of the petitioners reasonable, and ought to be granted, and had instructed him to report a bill for their relief. Said bill was thereupon read a first time and passed.

Mr Feild from the committee on enrolled bills, reported as truly enrolled, an act to amend an act entitled an act to amend an act for the relief of executors and administrators—an act for the relief of Elihu Leffew—and an act explanatory of the law of 1829, prohibiting certain officers of court from speculating in county claims, which were severally signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

On motion of Mr Burford, ordered, that the committee on enrolled bills, be authorized and required to correct any and all grammatical errors, or imperfect sentences, that may occur in original bills or resolutions.

Mr Anderson returned, a bill to establish a Lunatic Hospital in the State of Tennessee, and offered an amendment thereto, proposing to strike therefrom the words "Davidson county and Nashville," for the purpose of inserting in lieu thereof, the words "Knox county and Knoxville."

Mr. Burford moved a division of the proposition so as to test the sense of the Senate upon so much of the motion as proposes to strike out, which prevailing, the question was thereupon submitted, will the Senate strike out, and determined in the negative—ayes 8, noes 10. The ayes and noes being demanded constitutionally by Mr Anderson,

The affirmative voters are Mr. Anderson, Brabson, Burford, Gillespy, Greene, M'Clellan, Perkins and Wyly—8.

The negative voters are Mr Speaker, Andrews, Bradford, Davis, Feild, Frey, Jetton, M'Iver, Murray and Polk—10.

And so said motion was lost.

The bill was then put upon its passage, and the question thereon being had, shall the bill pass, it was determined in the negative—ayes 9, noes 9. The ayes and noes being demanded constitutionally by Mr. Anderson,

The affirmative voters are Mr. Speaker, Brabson, Burford, Davis, Feild, Frey, Gillespy, Murray and Polk—9.

The negative voters are Mr Anderson, Andrews, Bradford, Greene, Jetton, M'Clellan, M'Iver, Perkins and Wyly—9.

And so said bill was rejected.

And thereupon Mr Perkins moved its reconsideration, which prevailing, said bill was ordered to the table.

Received from the House of Representatives the following resolution, to wit:

Resolved by the General Assembly of the State of Tennessee, That so much of the resolution heretofore adopted as prohibits the report of bills from committees, be rescinded, and that no bill shall be reported after Wednesday next, the 10th inst.

And thereupon the question was submitted, will the Senate concur in said resolution, and decided in the negative—ayes 7, noes 12.—The ayes and noes being demanded constitutionally by Mr Burford,

The affirmative voters are Mr Speaker, Anderson, Brabson, Davis, Feild, Gillespy and M'Iver—7.

The negative voters are Mr Andrews, Bradford, Burford, Frey, Greene, Holman, Jetton, M'Clellan, Murray, Perkins, Polk and Wyly—12.

And so said resolution was non-concurred with.

Mr. Frey submitted the following:

Resolved, That the regular hour for the meeting of the Senate, be changed from 9 to 8 o'clock in the morning during the present session.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.

Mr. Gillespy submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the resolution fixing upon the 16th inst. as the day of adjournment of this General Assembly be, and the same is hereby rescinded, and that this General Assembly adjourn on the day October inst.

Mr. Anderson, the following;

Resolved that the committee on internal improvement be instructed to inquire into the expediency of passing a law authorizing a lottery to increase the fund for internal improvement for that part of of the State east of Cumberland mountain, and that they report by bill or otherwise.

Mr. Andrews, the following:

Resolved by the General Assembly of the State of Tennessee, That

William Young, John D. Smith, Abraham Standlee, Henry D. Collier, John Bell, David Bullue, James Hart, Richard C. Blair and Samuel A. Reed be, and they are hereby appointed, Justices of the Peace in and for the county of Henderson.

And also the following:

Resolved by the General Assembly of the State of Tennessee, That John Hufstetler be appointed a Justice of the Peace in and for the county of Perry, and Robert Nelson, in and for the county of Humphreys.

And Mr. Perkins the following:

Resolved by the General Assembly of the State of Tennessee, that Asa Faulkner be appointed a Justice of the Peace for the county of Warren.

A message from the House of Representatives by Mr. Campbell, their clerk.

Mr. Speaker: The House of Representatives non-concur with the amendments proposed by the Senate to a bill to divorce Mahala Shaw from her husband George W. Shaw. They concur in the Senate's amendment to a bill for the benefit of Thomas J. Barker, a free man of color, and in the Senate's resolution referring Grants No. 21,196 and No. 21,197 to the commissioner for adjudication, and also in the Senate's resolution appointing Justices of the Peace for Sullivan county. The House of Representatives have adopted a resolution appointing a notary public for Sumner county—a resolution directory to the President and Directors of the Bank of the State of Tennessee—resolutions appointing justices of the peace for the counties of Warren, Cocke, Sevier and Williamson—and a resolution referring certain grants to the commissioner for adjudication, in which they ask the concurrence of the Senate.—And then he withdrew.

On motion of Mr. Greene, ordered, that the Senate insist on the several amendments proposed to the bill to divorce Mahala Shaw from her husband George W. Shaw.

The bill for the benefit of Thomas J. Barker, a free man of color, was read as amended a third and last time in both Houses, passed and ordered to be enrolled.

The Senate concurred with the several resolutions appointing Justices of the Peace for the counties of Warren, Cocke, Sevier and Blount, and also in the resolution appointing a notary public for Sumner county.

The resolution referring certain grants to the commissioner for adjudication, was, on motion of Mr. Davis, referred to the committee on the judiciary.

A bill for the relief of James Whitsett—a bill to divorce Elisha Gower from his wife Jemima—a bill to authorize Julius Dugger to build a toll bridge across Watauga river—a bill for the benefit of the common schools in the counties of Carter and Humphreys—a bill to authorise the Register of the Western District to issue a grant on entry No. 778—a bill to incorporate the inhabitants of the town of Elizabethton, in the county of Carter—and a bill to author-

ize James B. Reynolds and Joseph P. Thomas to build a bridge across Red River, were severally read a third and last time in both houses, passed, and ordered to be enrolled.

Mr. Davis introduced a bill to amend an act entitled an act to amend the judiciary system of the State of Tennessee, and moved its reference to the judiciary committee, which motion prevailed.

Mr. Davis introduced a bill to establish a board of internal improvement for the county of Lawrence—and a bill to prevent entries by warrant south and west of the Congressional reservation line until the 1st of January, 1836—Mr Anderson, a bill to amend an act passed 23rd Nov. 1809, entitled an act for the relief of executors and administrators—Mr Bradford, a bill to regulate and apportion the common school fund in Bedford county—Mr. Feild, a bill for the benefit of Robert L. Cobbs—Mr Gillespy, a bill to prescribe the duties of the clerks of the county courts of this State,—Mr Brabson, a bill continuing the bank agency in Campbell county the time therein mentioned—and a bill for the benefit of William M'Coy—Mr Perkins, a bill to appoint commissioners to examine into the funds and report upon the propriety and progress of the board of internal improvement, touching the Caney Fork, in the counties of Warren and White—Mr Davis, a bill for the relief of Joseph Daniel—and Mr Perkins, a bill to alter the times of holding regimental musters in the 8th brigade; all of which were severally read a first time and passed.

A bill for the relief of C. Strong—a bill for the benefit of Benjamin Garrott—a bill for the relief of Thomas Hoard, guardian of the heirs of Stanwix Hoard, deceased—a bill to incorporate a company to open a turnpike road from Sparta, in White county, to Liberty, in Smith county—a bill establishing the dividing line between Robertson and Sumner—a bill for the relief of Mary Harris—a bill for the relief of Sterling Condry and others—a bill for the relief of Isaac and Melchisedec Hill, of Warren county—a bill to amend an act entitled an act to establish boards of Internal Improvement in the several counties of this State lying west of Tennessee river, and for other purposes—a bill to amend the law on the subject of profane swearing—a bill for the relief of Nancy Marsh and Rachel Vaughn ----a bill for the benefit of Buffalo Iron works----a bill to authorize a father to provide for his daughter who has married without his consent, when a minor----a bill to amend an act entitled an act to incorporate a board of internal improvement in that part of the State east of the Cumberland mountain----a bill to amend an act entitled an act to compel certain persons to pay for the use and occupation of lands in certain cases, passed 20th Dec. 1831—a bill to amend the corporation laws of the town of Liberty, in Smith county—a bill for the benefit of William C. Mynatt, of Knoxville—a bill to change the name of Madisonville to Tellico—a bill for the benefit of John C. Haley and his son John Haley—a bill for the benefit of Henry Matlock, of M'Minn county—— a bill for the relief of W. G. Lyle, of Monroe county----a bill to provide for running a line dividing the counties of Blount and Sevier, were severally read a second time and passed.

A bill to amend an act passed 8th December, 1831, entitled an act authorizing executors to sell real estate in certain cases, was on motion of Mr Feild, ordered to lie on the table.

A bill to authorize judges of the circuit courts to sign bills of exceptions in certain cases—and a bill to regulate the manner in which the votes of the justices of the peace are to be preserved, were severally read and rejected.

A bill for the benefit of George Crockett, bank agent for Sumner county—a bill concerning Forest Hill Academy in the county of M'Minn—a bill in relation to suits for the recovery of school lands—a bill for the benefit of the Tipton Troop—and a bill for the relief of Sarah Stacy and Caleb Fly, were severally read a third time and passed.

Received from the House of Representatives, a bill authorizing the circuit courts to take jurisdiction of issues *devisavit vel non*,—a bill to authorize the county courts to exempt certain slaves from taxation—a bill granting certain powers to the mayor and aldermen of the town of Jonesboro'—a bill for the relief of James Nugent and Samuel D. Powell—and a bill to extend the laws of this state over white men residing among the Cherokees, within the limits of Tennessee, all of which were severally read a first time and passed.

Mr Gillespy introduced a bill for the benefit of the persons therein named—and a bill to amend an act therein named—Mr Polk a bill for the purposes therein named—Mr M'Iver a bill to establish the town of Portersville in the county of Tipton—Mr Feild a bill to amend the laws regulating patrols—Mr Holman a bill to regulate the fees of Attorneys General—a bill to appoint commissioners on Burke's turnpike road leading from Sparta to the Crab Orchard and for other purposes—a bill to run the dividing line between the counties of White and Jackson so as to include ——— Whitson in White county—a bill to explain and amend the laws on the subject of entries made North and East of the Congressional Reservation line, under the acts of 1823, 24, 25 and 29—and a bill to amend the third and eleventh judicial circuits, all of which were ordered to lie on the table.

And then the Senate adjourned.

TUESDAY, OCTOBER 9, 1832.

On motion of Mr Gillespy, ordered, that the committee on the judiciary be discharged from the further consideration of the matters and things to them submitted, and that the said committee be dissolved.

Mr Feild from the committee on enrolled bills, reported as truly enrolled, an act to amend an act giving further time for surveying entries and obtaining grants thereon. Said bill was signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

Mr Murray from the committee on claims, to whom was referred, a bill for the relief of George S. Yerger and George W. Churchwell, reported that the committee have had the same under consideration, think its provisions reasonable and had instructed him to recommend its passage. Said bill was thereupon read a first time and passed.

Mr Perkins' resolution of yesterday, appointing a justice of the peace for Warren county—Mr Andrews' resolution appointing justices of the peace for the counties of Perry, Humpreys and Henderson, and Mr Anderson's resolution of the same day directory to the committee on internal improvement, were taken up, severally read and adopted.—Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr Gillespy's resolution of yesterday, proposing to rescind the resolution fixing upon the 16th as the day of adjournment, was, on motion of Mr Gillespy, ordered to the table.

A bill for the benefit of Wm M. Heron, of M'Minn county, was read and rejected.

Mr Bradford notified the Senate that he would on to-morrow, call up the preamble and resolution submitted by him on the 26th of September, in relation to the doctrine of Nullification.

The Senate took up a bill for the benefit of the Clerk of the Circuit Court of Jefferson county, and the question thereon being had, shall the bill pass, it was determined in the negative—ayes 7, noes 12. The ayes and noes being demanded,

The affirmative voters are, Mr Andrews, Brabson, Gillespy, Holman, Murray, Perkins and Wyly—7.

The negative voters are, Mr Speaker, Anderson, Burford, Davis, Feild, Frey, Greene, Jetton, Lytle, M'Clellan, M'Iver and Polk—12.

And so said bill was rejected.

A bill for the benefit of Robert Cowan—a bill to amend an act entitled an act to establish the town of Mount Pleasant, and to incorporate the inhabitants thereof—a bill to amend the 20th section of an act entitled an act to establish a system of Common Schools, and appropriate the school funds of this State—a bill directory to the Register of the Western District—a bill making compensation to Miller Francis, Treasurer of East Tennessee—a bill to appropriate the interest arising upon the Internal Improvement fund for Wilson county, to the purpose of common schools—and a bill to change the time of holding the courts martial in the 48th regiment, were severally read a second time and passed.

A bill to authorize Miriam Kennedy to sell at private sale or otherwise, the tract of land on which she now lives, lying in the county of Perry, was taken up and read, and the question thereon being had, shall the bill pass, it was determined in the negative—ayes 4, noes 16. The ayes and noes being constitutionally demanded by Mr Andrews,

The affirmative voters are, Mr Andrews, Bradford, Holman and Perkins—4.

The negative voters are, Mr Speaker, Anderson, Brabson, Burford, Davis, Feild, Frey, Gillespy, Greene, Jetton, Lytle, M'Clellan, M'Iver, Murray, Polk and Wyly—16.

And so said bill was rejected.

Mr M'Iver submitted the following.

Resolved by the General Assembly of the State of Tennessee, That William Estes, William L. Byler and James Lust, be, and they are herely appointed Justices of the Peace for the county of Tipton.

Mr Burford submitted the following:

Resolved by the General Assembly of the State of Tennessee, That Samuel D. M'Murry, John Henderson and Samuel Lorance, be, and they are hereby appointed Justices of the Peace in and for the county of Smith, and that Zachariah G. Goodall be, and he is hereby appointed a Justice of the Peace, in and for the county of Sumner.

And the rule requiring resolutions to lie one day on the table, being suspended, said resolution was adopted.—Ordered, that the Clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Received from the House of Representatives, a bill to change the precinct for elections, from Popular Corner, to the House of James Van Pelt, in Madison county, and for other purposes—a bill changing the time of holding the Supreme Court at Jackson—a bill to amend an act entitled an act to incorporate a company called the Franklin Turnpike Company—a bill to compensate Jacob P. Chase—a bill to repeal an act entitled an act to encourage domestic Manufactures—and a bill authorizing Samuel Dickens and Jesse Taylor and others, to raise a sum of money by Lottery, to clear out and make navigable the middle fork of Forked-deer river, from the mouth of Spring Creek in Madison county, to the Key corner; all of which were severally read a first time and passed.

Mr Feild returned a bill to amend the laws regulating patrols, which was read a first time and passed.

Mr Holman returned a bill to amend the 3rd and 11th judicial circuits, which was read a first time and passed.

A bill to establish a Lunatic Hospital in this State, was taken up and read, and thereupon the question was had, shall the bill pass, and determined in the affirmative—ayes 11, noes 8. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are, Mr Speaker, Brabson, Burford, Davis, Feild, Frey, Gillespy, Holman, Lytle, Murray and Polk—11.

The negative voters are, Mr Anderson, Andrews, Bradford Greene, Jetton, M'Clellan, M'Iver and Wyly—8.

And so said bill passed its second reading.

A bill to provide more effectually for the improvement of roads, and for the relief of the good citizens of this State, was taken up and read, and amended on motion of Mr Burford, and being further amended on motion of Mr Feild, was put upon its passage, and the question thereon being had, shall the bill pass, it was determined in

the negative—ayes 8, noes 12. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are, Mr Burford, Davis, Frey, Gillespy, Holman, Lytle, M'Clellan and Polk—8.

The negative voters are, Mr Speaker, Anderson, Andrews, Brabson, Bradford, Feild, Greene, Jetton, M'Iver, Murray, Perkins and Wyly—12.

And so said bill was rejected.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign an enrolled resolution, referring a John Armstrong warrant, No. 595, to the Commissioner for adjudication; and an enrolled resolution, appointing justices of the peace for the counties of Hardin, White, Weakley, Wilson, Davidson, Henry and Stewart. The House of Representatives have adopted a resolution appointing justices of the peace for the counties of Bledsoe, Sumner, Claiborne, Lincoln, Franklin, M'Nairy, Fayette, Shelby and Stewart, in which they ask your concurrence.—And then he withdrew.

Whereupon, the said resolution was read and concurred in.

The Speaker of the Senate signed said enrolled resolutions and ordered them to be deposited in the office of the Secretary of State.

A bill to incorporate the inhabitants of the town of Newport, was read a last time, passed and ordered to be enrolled.

A bill to incorporate a company to open a turnpike road from Sparta in White county, to Liberty in Smith county, was amended, on motion of Mr Burford; and being on its last reading in both houses, it was ordered that the clerk do, by message, acquaint the House of Representatives therewith and ask their concurrence therein.

A bill for the benefit of Terry H. Willie was, on motion of Mr Murray, ordered to lie on the table.

And then the Senate adjourned.

WEDNESDAY OCTOBER 10, 1832.

Mr Anderson presented the petition of sundry citizens of Knox county, praying the passage of a law, compelling the owners of mills to keep them themselves, or to have them kept by white persons, which was referred, on motion of Mr Anderson, to the committee on propositions and grievances.

Mr M'Iver's resolution of yesterday, appointing justices of the peace for the county of Tipton, was taken up, read and adopted.—Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did

this day, sign enrolled bills and resolutions, of the following titles, to wit: an act for the relief of the heirs of William Gantt, an act for of the relief James Hammonds, an act for the benefit of the Tipton county troop, an act in relation to suits for the recovery of school lands, an act for the benefit of George Crockett, bank agent for Sumner county, and for other purposes, a resolution appointing a notary public for Sumner county, a resolution directory to the president and directors of the Bank of the State of Tennessee, a resolution appointing justices of the peace for the counties of Warren, Cocke, Sevier, Williamson, Bledsoe, Sumner, Claiborne, Lincoln, Franklin, M'Nairy, Fayette, Shelby and Stewart, and a resolution referring certain grants to the Commissioner, for adjudication.—And then he withdrew.

Whereupon, the Speaker of the Senate signed said enrolled bills, and ordered them to be deposited in the office of the Secretary of State.

On motion of Mr Burford, the preamble and resolution submitted by Mr Anderson on Tuesday, 2d Oct. proposing to expel the Senator from Carroll, was taken up.

And thereupon Mr Frey offered the following in lieu of all that part of said preamble and resolution which follows after the words, "passage of said bill," to wit:

And whereas, charges of the nature and character contained in said document or protest, thus deliberately made and spread upon the Journals of the Senate as aforesaid, that the world may see the infamy and disgrace of the members of this legislature, imputed to them in said protest, is such disorderly behaviour, indignity and contempt offered to this House, as in the opinion of this Senate, ought to be punished by expelling the said Robert Murray from a seat therein.

Therefore, be it resolved, That Robert Murray, a member of the Senate from the county of Carroll, Tennessee, for the disorderly behaviour, indignity and contempt offered to this House, in the language contained in said document or protest, arraigning and impugning the motives of certain members of both branches of this General Assembly, be, and he is hereby expelled from his seat in this house."

And the question thereon being had, will the Senate receive said amendment, it was determined in the affirmative—ayes 11, noes 8. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Speaker, Brabson, Burford, Feild, Frey, Gillespy, Greene, Lytle, M'Clellan, Polk and Wyly—11.

The negative voters are, Mr Anderson, Andrews, Bradford, Davis, Holman, Jetton, M'Iver and Perkins—8.

And so said amendment was received.

Mr Frey then moved to lay the resolution on the table and make it the order of the day for Saturday next; and the question thereon being had, it was determined in the affirmative—ayes 12, noes

8. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Speaker, Andrews, Brabson, Burford, Davis, Feild, Frey, Holman, Jetton, Lytle, M'Iver and Perkins—12.

The negative voters are, Mr Anderson, Bradford, Gillespy, Greene, M'Clellan, Murray, Polk and Wyly—8.

And so said resolution was laid upon the table and made the order of the day for Saturday next.

On motion of Mr Bradford, the resolution submitted by him on Wednesday last, authorizing Mr Murray to introduce at the bar of the Senate, such testimony as he may choose to sustain the truth of what is alleged to be slanderous and libellous in his protest, was taken up and read.

Mr Burford offered the following in lieu thereof, to wit:

Resolved, That a committee consisting of five be chosen by ballot, whose duty it shall be to summons before them any members of the Senate, or any other person or persons whatever; and the chairman of said committee shall be authorized to qualify such member, or other individual, so summoned before said committee; and after such qualification, said committee shall inquire into and report the substance of all such evidence so taken in relation to the conduct, or what may have been said or done by members of the Senate, in relation to the formation of Congressional districts, at the present session of the General Assembly.

Mr Jetton moved to lay the amendment, together with the resolution, upon the table until Saturday next. And the question thereon being had, it was determined in the negative—ayes 2, noes 18. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are, Mr Jetton and Mr Perkins—2.

The negative voters are, Mr Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Feild, Frey, Gillespy, Greene, Holman, Lytle, M'Clellan, M'Iver, Murray, Polk and Wyly—18.

And so said motion was lost.

The question then recurred upon the amendment offered by Mr Burford. And the question being thereon had, will the Senate receive said amendment, it was determined in the negative—ayes 6, noes 14. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Speaker, Brabson, Burford, Frey, Gillespy and M'Clellan—6.

The negative voters are, Mr Anderson, Andrews, Bradford, Davis, Feild, Greene, Holman, Jetton, Lytle, M'Iver, Murray, Perkins, Polk and Wyly—14.

And so said amendment was rejected.

The question next recurred upon the adoption of the original resolution offered by Mr Bradford. And thereupon the question was submitted, will the Senate adopt the resolution, and determined in the negative—ayes 8, noes 12. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr. Speaker, Andrews, Bradford, Davis, Holman, Jetton, M'Iver, Murray—8.

The negative voters are, Mr Anderson, Brabson, Burford, Feild, Frey, Gillespy, Greene, Lytle, M'Clellan, Perkins, Polk and Wyly—12.

And so said resolution was rejected.

And then the Senate adjourned.

THURSDAY, OCTOBER 11, 1832.

Mr. Gillespy presented the petition of sundry citizens in relation to a school tract of land in the fifth fractional township in the Hiwassee District—the petition of John M'Clatchey, asking remuneration for monies expended by him in defending his title to land derived from the State—and also the petition of sundry citizens of M'Minn county, praying the right of citizenship to be extended to John Walker, a Cherokee Indian; all of which were severally read, and, on motion of Mr. Gillespy, ordered to the table.

On motion of Mr M'Iver, ordered, that the committee on propositions and grievances, be discharged from the further consideration of the matters and things to them referred, and that the said committee be dissolved.

Mr Murray submitted the following:

Resolved by the General Assembly of the State of Tennessee, That Jesse S. Ross and William Downey be, and they are hereby appointed, justices of the peace in and for the county of Obion.

Mr. Davis submitted the following:

Resolved by the General Assembly of the State of Tennessee, That James C. Alderson, Isham Choat, William H. Patton, James Kyle, Timothy Culp, Jonathan Elliott, Samuel S. Rayburn and Joseph B. Godley be, and they are hereby appointed, justices of the peace for the county of Wayne.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.

The Senate took up on a third and last reading in both houses, a bill to amend and explain an act more amply to provide for the poor.

Mr Greene offered an amendment thereto, which being received, it was ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A message from the House of Representatives, by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives concur in the amendment proposed by the Senate, to the bill to incorporate a company to open a turnpike road from Sparta, in White county, to Liberty, in Smith county. They non-concur in the Senate's amendments to a bill to divorce Mahala Shaw from her husband George W. Shaw—they have taken up, on a third and last reading in both

Houses, a bill to establish a turnpike road from the town of Murfreesboro' to the top of the ridge in the direction to M'Minnville, and propose an amendment thereto, in which they ask the concurrence of the Senate. And then he withdrew.

Whereupon, the amendment to said bill was read and concurred in.—The Senate receded from their several amendments as proposed to the bill to divorce Mahala Shaw from her husband George W. Shaw. And thereupon the said bill was read, and the question thereon being had, shall the bill pass, it was determined in the affirmative—ayes 11, noes 7. The ayes and noes being demanded constitutionally by Mr Murray,

The affirmative voters are, Mr Speaker, Andrews, Bradford, Feild, Gillespy, Greene, Holman, Jetton, Lytle, M'Iver and Wyly—11.

The negative voters are, Mr Anderson, Brabson, Davis, Frey, M'Clellan, Murray and Polk—7.

And so said bill passed its third and last reading in both houses, and was ordered to be enrolled.

The bill to incorporate a company to open a turnpike road from Sparta, in White county, to Liberty, in Smith county, was read as amended a third and last time, passed and ordered to be enrolled.

The Senate took up a bill for the relief of the heirs and devisees of James Shepard, deceased.

Mr Murray proposed an amendment thereto, which was received; and the bill being upon its third and last reading in both houses, it was ordered that the clerk acquaint the House of Representatives therewith. and ask their concurrence therein.

Mr Feild moved to strike out so much of the first section of the bill to furnish each surveyor general of the State with Haywood and Cobbs' Revisal, and for other purposes, as directs a copy of said work to be furnished to each surveyor general, county entry takers and county surveyors. And the question thereon being taken, it was determined in the affirmative—ayes 17, noes 3. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are, Mr Speaker Douglass, Anderson, Andrews, Brabson, Bradford, Burford, Feild, Frey, Gillespy, Greene, Holman, Jetton, M'Clellan, Murray, Perkins, Polk and Wyly—17.

The negative voters are, Mr Davis, Lytle and M'Iver—3.

And so said amendment was ordered.

Ordered, that Mr M'Iver have leave to withdraw said bill for further amendment.

Mr Speaker Douglass presented the following report from Eastin Morris, President of the Bank of the State of Tennessee, to wit:—

In obedience to the annexed Resolution of the General Assembly of the State of Tennessee, of the 10th of September, 1832—viz:

"*Resolved by the General Assembly of the State of Tennessee*, That the President and Directors of the Bank of the State of Tennessee report to this General Assembly, as speedily as practicable, the exact amount of that portion of the capital of the state specially re-

served from the school fund, and not appropriated by the act of 1827, ch. 64, sec. 1, being the one half of the monies arising from the sales of the Hiwassee lands, deducting from the said one half of said sales the twenty-five per cent. allowed to purchasers by the acts of 1826 and 1827, and the thirty-seven and one half per cent. allowed by the act of 1829, on the purchase money paid in under the provision of said acts.

"*Also*, Whether the moneys appropriated for the building of the Penitentiary, have been taken out of the fund so reserved by the act of 1827 above referred to; and if so, what amount; and if not, what fund did the moneys expended in the erection of the Penitentiary come from."

The President and Directors of the Bank of the State of Tennessee report,—

That they have carefully examined the transactions, as noticed on the books of the Bank, while under the management of their predecessors, and that they do not afford the information in a detailed form, as called for in the resolution.

It does not appear that any regulations were made in the institution, to comply with or carry into effect the act of 1827, in relation to the funds of the Bank; but continued to transact business in the same manner, and according to the rules by which they were governed previous to the enactment of the law. It will appear, however—and your honorable body is respectfully referred to the report of the President, made to the Legislature at the session of 1827, showing that $525,791 73¼
was paid into the bank on account of sales and entries of lands in the Hiwassee District, previous to that time; and that, during the session, the entry taker paid in the further sum of 5,920 00

Making the aggregate sum of $531,711 73¼
One half which, being 265,855 86¾
was excepted or reserved by the act of 1827, appropriating the funds of the Bank for the use of schools. As there was no account made at the proper time, to distinguish the amount reserved, in making the appropriations, it is not now practicable for the officers who are charged with the management of the institution, to render an account of profits arising from the employment of that fund.

If considered requisite, it can only be done by an estimate of the profit upon the whole of the capital of the bank, and, after deducting the losses and expenses, apply a due proportion to the amount reserved.

The Bank was not constituted the collector of the monies from the individual purchasers of Hiwassee Lands. That part of the business has been transacted by other officers of the State; therefore the information called for in the resolution, relating to the discounts on the purchase money paid, cannot be furnished. It is presumable that the Treasurer of East Tennessee, whose duty it is to collect

and pay over the money, can furnish your honorable body with satisfactory information on that subject.

The monies appropriated for building the penitentiary were paid without regard to any particular fund or source from which it may have been received, and constitutes an item for that amount, in making a general expose of the Bank.

Respectfully submitted,

EASTIN MORRIS, *President of the Bank of the State.*

October 10th, 1832.

On motion of Mr. Greene, ordered that 500 copies of the foregoing report be printed for the use of the Senate.

A bill to incorporate the town of M'Minnville—a bill for the relief of Lewis Ross and John Walker, Jun—a bill to change the time of holding the courts in the 3rd judicial circuit—and a bill to provide for certifying bills of cost in criminal cases, were severally read a third time and passed.

A bill authorizing the county courts of Greene and Washington counties to appoint each a surveyor to run a part of the dividing line between said counties—a bill extending the limits of the corporation of the town of Trenton—a bill to incorporate the town of Raleigh—a bill to amend the laws incorporating the town of Jackson—a bill for the benefit of the Paris guards—and a bill to authorize the county court of Cocke to establish certain turnpike roads, were severally read a third time and last time, passed, and ordered to be enrolled.

A bill from the House of Representatives to extend the limits of the corporation of the town or Shelbyville, was read the first time and passed.

The bill to establish the town of Portersville, in the county of Tipton, was read a first time and passed.

A bill to amend the third and 11th Judicial circuits—a bill to amend the acts heretofore passed in relation to the Gallatin and White's creek turnpike roads—a bill to change the time of holding the supreme court at Jackson—a bill to repeal an act entitled an act to encourage domestic manufactures—a bill to amend the several laws relating to costs in State cases—and a bill to make the common school commissioners commissioners of school land, and to make an equal distribution of the fund amongst the inhabitants of Warren county, were severally read a second time and passed.

A bill limiting the time of making surveys of entries, was read and rejected.

Mr Frey returned the bill making compensation to Miller Francis, Treasurer of East Tennessee, with an amendment, which was read; and the question being taken on agreeing thereto, it was determined in the affirmative—Whereupon the said bill was read a third time and passed. Ordered, that the clerk acquaint the House of Representatives therewith.

And then the Senate adjourned.

FRIDAY, OCTOBER 12, 1832.

Mr Murray's resolution of yesterday appointing justices of the peace for the county of Obion, was taken up, read and adopted—Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr Murray submitted the following:

Resolved by the General Assembly of the State of Tennessee, That Samuel Majors be and he is hereby appointed a justice of the peace for the county of Weakley.

A bill for the benefit of John Butler, was taken up and read, and being amended by Mr Greene, Mr Gillespy and Mr Feild, was put upon its passage, and thereupon the question being had, shall the bill pass, it was determined in the affirmative—ayes 15 noes 3. The ayes and noes being demanded constitutionally by Mr Brabson,

The affirmative voters are Mr Speaker, Anderson, Bradford, Burford, Davis, Feild, Gillespy, Greene, Jetton, Lytle, M'Clellan, M'Iver, Murray, Perkins, and Wyly—15.

The negative voters are Mr Brabson, Frey and Polk—3.

And so said bill passed its second reading.

The Senate took up on a third and last reading in both Houses, a bill for the relief of George W. Shackelford.

Mr Frey moved to amend said bill by striking therefrom the second section thereof, which prevailing, it was ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr Speaker Douglass, presented the communication of Mitchell King, Esq. a delegate from the Union party of South Carolina, which was read at the clerk's table, and on motion of Mr Gillespy, ordered to lie on the table.

Mr M'Iver returned with an amendment, a bill to furnish each Surveyor General of this state, with the second volume of Haywood and Cobbs' Revisal.

Mr Greene offered an amendment thereto in lieu of the whole bill and amendment, which was accepted, and the caption of said bill being amended, on motion of Mr Greene, so as to read, "a bill further to provide for the distribution of Haywood and Cobbs' Revisal," was read as amended, a second time and passed.

Mr Anderson returned a bill for the purposes therein named.

Received from the House of Representatives, a bill appointing a common school agent for Stewart county, a bill for the benefit of James Overton, a bill authorizing Arthur Hays to emancipate a certain slave, a bill to make compensation to Daniel Graham for office rent, for the records of the State, for the year 1830, a bill allowing justices of the peace compensation in certain cases, a bill to dispose of the internal improvement fund belonging to the counties therein named, a bill to compensate Wm. Gouge for a gun, and a bill for the benefit of Wm. M. Harwood; all of which were severally read a first time and passed.

The Senate took up on a third and last reading in both Houses a bill for the relief of Laney Moore—and a bill for the relief of Geo W. Shackelford, the former of which being amended, on motion of Mr Andrews, and the latter on motion of Mr Frey, it was ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign enrolled bills of the following titles, to wit:—an act to compel clerks to do their duty—an act concerning Forest Hill Academy—an act for the relief of Sarah Stacy. The House of Representatives concur in your resolutions appointing justices of the peace for the counties of Warren, Henderson, Perry, Humphreys, Tipton and Smith, and non-concur with your resolution appointing justices of the peace for the counties of Sumner and Wayne. They have adopted a resolution appointing justices of the peace for the counties of Blount, Wayne, Rutherford and Montgomery, in which they ask the concurrence of the Senate.—And then he withdrew.

Whereupon the said resolution was read, and so much thereof concurred with, as appoints justices of the peace for the counties of Blount, Rutherford and Montgomery, and so much thereof as appoints justices of the peace for the county of Wayne, was, on motion of Mr Davis, non-concurred with.

The Speaker of the Senate signed said enrolled bills and ordered them to be deposited in the Office of the Secretary of State.

Mr Wyly returned with an amendment which was rejected, a bill to amend an act authorizing executors and administrators to sell real estate in certain cases, which was read a third time, and the question thereon being had, shall the bill pass, it was determined in the negative—ayes 8, noes 10. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are, Mr Anderson, Andrews, Bradford, Burford, Frey, Gillespy, M'Clellan and Polk—8.

The negative voters are, Mr Speaker, Brabson, Davis, Feild, Greene, Jetton, M'Iver Murray, Perkins and Wyly—10.

And so said bill was rejected.

A bill to regulate and establish the fees of the clerks of the county, circuit, chancery, and supreme courts, was taken up and read a second time, and the question thereon being had, shall the bill pass it was determined in the negative—ayes 2, noes 16. The ayes and noes being demanded constitutionally by Mr Greene,

The affirmative voters are, Mr Anderson and Feild—2.

The negative voters are, Mr. Speaker, Andrews, Brabson, Bradford, Burford, Davis, Frey, Gillespy, Greene, Jetton, M'Clellan, M'Iver, Murray, Perkins, Polk and Wyly—16.

And so said bill was rejected.

A bill for the benefit of the school agent of Monroe county, was taken up and read.

Mr Feild offered the following amendment thereto, to wit: out of

any monies in his hands belonging to said counties, for rents collected on account of school lands in said counties, provided, there be any in his hands; and the question thereon being had, will the Senate receive said amendment, it was determined in the negative—ayes 9, noes 9. The ayes and noes being demanded constitutionally by Mr Gillespy,

The affirmative voters are Mr Burford, Davis, Feild, Frey, Jetton, M'Clellan, M'Iver, Perkins and Wyly—9.

The negative voters are, Mr. Speaker, Anderson, Andrews, Brabson, Bradford, Gillespy Greene, Murray and Polk—9.

And so said amendment was rejected.

The said bill was then put upon its passage and the question thereon being had, shall the bill pass, it was determined in the negative—ayes 8, noes 10. The ayes and noes being demanded constitutionally by Mr. M'Clellan,

The affirmative voters are, Mr Anderson, Andrews, Brabson, Bradford, Gillespy, Greene, Jetton and and Murray—8.

The negative voters are, Mr. Speaker, Burford, Davis, Feild, Frey, M'Clellan, M'Iver, Perkins, Polk and Wyly—10.

And so said bill was rejected.

Mr Greene submitted the following:

Resolved by the General Assembly of the State of Tennessee, That a joint select committee of both Houses be appointed, to consist of five on the part of the Senate, to take into consideration the several resolutions submitted to this General Assembly, expressive of the sense thereof, on the important subjects of State Rights, the Tariff, Internal Improvement and Nullification, together with the address of the Honorable Mitchell King, a delegate from the Union party of South Carolina, and that they report thereon, to this General Assembly.

And the rule requiring resolutions to lie one day on the table being suspended, on motion of Mr Greene, said resolution was adopted.

The Speaker appointed Mr Greene, Mr Anderson, Mr Burford, Mr Jetton and Mr Polk to be of said committee on the part of the Senate. Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr Andrews submitted the following:

Resolved by the General Assembly of the State of Tennessee, That Charles G. Butler be, and he is hereby appointed a justice of the peace in and for the county of Henderson.

And Mr Murray the following:

Resolved by the General Assembly of the State of Tennessee, That Jesse S. Ross and Wm. Downey be, and they are hereby appointed justices of the peace in and for the county of Obion.

And the rule requiring resolutions to lie one day on the table being suspended, said resolutions were adopted—Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr Bradford, submitted the following:

Resolved, That the committee to whom was referred the memorial of Mitchell King of South Carolina be instructed to report a res-

olution, expressive of the sense of this House of the inexpediency of acting on the subject of said memorial.

And Mr Burford, the following:

Resolved by the General Assembly of the State of Tennessee, That the interest of the State requires that the Bank of the State of Tennessee, organized as it is, should be brought to a close as soon as practicable. And with this view that all matters in controversy, between said Bank and any individual be prosecuted to a speedy decision. And that in suits already instituted, the President and Directors of said Bank, be authorized to employ such additional counsel as they may think expedient, or make such compromise thereof as they in their judgment, with the advice of the counsel of said Bank, shall seem fit and proper.

A bill for the relief of the Surveyor General of the Hiwassee District—a bill for the benefit of John and Barnett Rowark—a bill to establish a board of Internal Improvement for the county of Law rence—a bill for the benefit of Wm. M'Coy—a bill continuing the bank agency in Campbell county, the time therein mentioned—a bill to appoint commissioners to examine into the fund, and report upon the propriety and progress of the board of Internal Improvement, touching the Caney Fork in the counties of Warren and White—a bill for the relief of George S. Yerger and George W. Churchwell and for other purposes—a bill to explain and amend an act entitled an act to prevent a sacrifice of real estate, and for other purposes, passed 28th July 1820—a bill to alter the time for holding regimental musters in the 8th brigade, Tennessee militia—a bill to repeal the second section of an act for the benefit of Jesse Savage —a bill to amend an act for the relief of executors and administrators—a bill for the relief of John R. Dulany and William K. Blair—a bill for the benefit of John Wright—a bill for the benefit of Joseph Daniel—a bill to amend the penal laws of this state —and a bill to extend certain powers to the school commissioners therein named, were severally read a second time and passed.

A bill to provide for the collection of costs in certain cases—and a bill for the benefit of common schools, were severally read a third time and passed.

Mr Greene returned with an amendment which was accepted—a bill to appoint commissioners on Burke's turnpike road leading from Sparta to the Crab Orchard; said bill was read as amended a first time and passed.

And then the Senate adjourned.

SATURDAY, OCTOBER 13, 1832.

Mr Murray's resolution of yesterday, appointing a justice of the peace for Weakley county—Mr Bradford's resolution directory to the joint select committee to whom was referred the communication of Mitchell King, Esq. a delegate from the Union party of South

Carolina—and Mr Burford's resolution, proposing to bring to an immediate close the affairs of the Bank of the State of Tennessee, were taken up, severally read and ordered to lie on the table.

Mr Feild returned, with an amendment in lieu of the whole, a bill to amend the act abolishing imprisonment for debt. Said amendment was accepted, the bill read as amended a third time and passed.

Mr Feild returned without amendment, a bill to amend an act further to define and extend the jurisdiction of justices; and thereupon said bill was read and rejected.

Whereupon Mr Bradford moved its re-consideration, which prevailing, he asked and obtained leave to withdraw the same for amendment.

Received from the House of Representatives a bill to authorize the county court of Gibson county to appropriate certain monies for internal improvement, a bill appointing additional trustees for Sommerville male academy, a bill to divorce Levi Archer from his wife Rachael, and a bill to regulate suits against the security or securities of guardians, which were severally read a first time and passed.

On motion of Mr Gillespy, the Senate resolved itself into a committee of the whole, Mr M'Clellan in the chair, on the bill to incorporate the Union Bank of Tennessee; and after some time spent in the discussion thereof, the committee rose, reported progress, asked and obtained leave to sit again.

On motion of Mr Gillespy, the Senate took up the resolution heretofore submitted by him, proposing to rescind the resolution providing for the adjournment of the General Assembly on the 16th inst.; and the same being thereupon read, Mr Feild moved to lay it upon the table, and the question thereon being had, it was determined in the negative—ayes 9, noes 11. The ayes and noes being demanded constitutionally by Mr Brabson,

The affirmative voters are, Mr Anderson, Bradford, Feild, Frey, Jetton, Lytle, Perkins, Polk and Wyly—9.

The negative voters are, Mr Speaker, Andrews, Brabson, Burford, Davis, Gillespy, Greene, Holman, M'Clellan, M'Iver and Murray—11.

And so said motion was lost.

Mr Brabson moved to fill the blank in said resolution with "Monday, the 22d inst." as the day upon which the General Assembly should adjourn; and the question thereon being had, it was determined in the negative—ayes 10, noes 10. The ayes and noes being demanded constitutionally, by Mr Bradford,

The affirmative voters are, Mr Anderson, Brabson, Davis, Gillespy, Greene, Holman, Lytle, M'Iver, Murray and Perkins—10.

The negative voters are, Mr Speaker, Andrews, Bradford, Burford, Feild, Frey, Jetton, M'Clellan, Polk and Wyly—10.

And so said motion was also lost.

Mr Anderson then moved to fill the blank with the words, "Saturday, the 20th," which prevailing, said resolution was adopted.—

Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr Feild returned without amendment, a bill to regulate and apportion the common school fund of Bedford county, which was read a second time and passed.

The Senate took up on a third and last reading in both Houses, a bill to explain an act, passed Dec. 14, 1831, entitled an act to equalize the tax on wholesale and retail merchants, jewellers, grocers and auctioneers, which being amended, on motion of Mr Wyly, it was ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives non-concur with the amendment proposed by the Senate, to a bill to amend an act making compensation to certain enterers and grantees for their improvements between the two Kentucky lines.—And then he withdrew.

Whereupon the said bill was read, and on motion of Mr Gillespy, it was ordered that the Senate insist upon the said amendment, and that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr Wyly withdrew for amendment, a bill for the benefit of R. L. Cobbs.

And then the Senate adjourned.

MONDAY, OCTOBER 15, 1832.

Mr Greene presented the petition of sundry citizens, praying the granting of a charter, authorizing James P. Haynes and Joel Hembree, to open a turnpike road from the foot of Walden's ridge to Hewett's, thirteen miles east of Kingston, which was, on motion of Mr Greene, ordered to lie on the table.

Mr Greene, from the committee on internal improvement, to whom was referred a bill to authorize and establish a turnpike road across East Tennessee, reported, that the committee have had the same under consideration, and had instructed him to advise the striking out so much of said bill as provides for continuing said road south east of Knoxville, and with that amendment, to recommend its passage. Said report was concurred in, and the amendment being made, Mr Anderson asked and obtained leave to withdraw the bill for amendment.

Mr Feild, from the committee on enrolments, reported as truly enrolled, an act to incorporate the inhabitants of the town of Newport, an act to incorporate a company to open a turnpike road from Sparta in White county, to Liberty in Smith county, an act authorizing the county court of Cocke county, to establish certain turnpike roads, an act to amend the laws incorporating the town of Jackson in the county of Madison, and an act for the re-

lief of James Whitsett; all of which were signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

A bill to repeal an act to equalize the tax on wholesale and retail merchants, jewellers, grocers, and auctioneers, was taken up on its third and last reading in both houses; and the question thereon being had, shall the bill pass, it was determined in the negative—ayes 4, noes 15. The ayes and noes being demanded constitutionally by Mr Burford,

The affirmative voters are, Mr Davis, Feild, Frey and Polk—4.

The negative voters are, Mr Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Gillespy, Greene, Holman, Jetton, M'Clellan, M'Iver, Murray, Perkins and Wyly—15.

And so said bill was rejected.

A bill to provide for the taking the enumeration of the free male inhabitants of this State, was taken up on its third and last reading in both Houses; and the question, shall the bill pass, being thereupon had, it was determined in the negative—ayes 9, noes 10. The ayes and noes being demanded constitutionally by Mr Murray,

The affirmative voters are, Mr Speaker, Anderson, Brabson, Feild, Gillespy, Holman, M'Clellan, M'Iver and Wyly—9.

The negative voters are, Mr Andrews, Bradford, Burford, Davis, Frey, Greene, Jetton, Murray, Perkins and Polk—10.

And so said bill was rejected.

A bill establishing the 128th regiment of Tennessee militia, in Gibson county—a bill for the benefit of Buffalo iron works—and a bill to provide for running a line dividing the counties of Blount and Sevier, were severally read a third and last time in both houses, passed and ordered to be enrolled.

A bill to extend the corporation of the town of Shelbyville, and a bill to compensate Daniel Graham for office rent for the year 1830, were severally read a second time and passed.

A bill from the House of Representatives, to repeal an act passed on the 15th Nov. 1831, entitled an act to provide for the permanent establishment of the seat of justice in Overton county, was read a first time and passed.

Mr Anderson returned, with an amendment, a bill for the benefit of Robert L. Cobbs. Said amendment was accepted, the bill read as amended a second time and passed.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign enrolled bills and resolutions of the following titles, to wit: an act to incorporate the towns of M'Minnville and Fayetteville, an act to amend an act passed the 17th day of December 1831 entitled an act to establish a board of internal improvement in the counties therein mentioned and for other purposes, an act to establish a turnpike road from Murfreesborough to the top of the ridge in the direction to M'Minnville, an act making compensation to Miller Francis, Treasurer of East Tennessee, an act to provide for certify-

ing bills of costs in criminal cases, and a resolution appointing justices of the peace for the counties of Blount, Rutherford and Montgomery. The House of Representatives have accepted the resignations of Lucius J. Polk and John Gordon, justices of the peace for Maury county. The House of Representatives have adopted a resolution appointing justices of the peace for the counties of Maury, Wayne and Madison, in which they ask the concurrence of the Senate.—And then he withdrew.

Whereupon the said resolution appointing justices of the peace, was read and concurred in. The resignations of Lucius J. Polk and John Gordon, were severally read and accepted. The Speaker of the Senate signed said enrolled bills and resolution and ordered them to be deposited in the office of the Secretary of State.

On motion of Mr Gillespy, the Senate again resolved itself into a committee of the whole, on the bill to incorporate the Union Bank of Tennessee, Mr M'Clellan in the chair, and after some time spent in the discussion thereof, the committee rose, and the chairman thereof reported, that the committee had had the same under consideration and had instructed him to report an amendment thereto in lieu of the whole bill, from the enacting clause, and to recommend its passage. Said report was concurred in, and the bill and amendment were, on motion of Mr Anderson, ordered to lie on the table.

On motion of Mr Greene, ordered, that the committee on the Hiwassee District and internal improvements, be discharged from the further consideration of the matters and things to them submitted.

And then the Senate adjourned.

TUESDAY, OCTOBER 16, 1832.

Mr Perkins submitted the following:

Resolved, That Grant No. 17,381 be referred to the commissioner of land claims, and if it shall appear that the same or any part thereof is interfered with by grant No. 20,199, that the said commissioner issue a certificate upon such interference, provided the same is founded upon a good and valid warrant

A message from the House of Representatives by Mr. Campbell, their clerk.

Mr Speaker: The House of Representatives concur in so much of the resolution of the Senate as rescinds the joint resolution heretofore adopted providing for the adjournment of the General Assembly on the 16th inst. They have adopted a resolution appointing justices of the peace for the county of Hawkins—a resolution directing the repair of the public arms—a resolution referring grants No. 425, 5,210, 583, 1,107, 1,272 and 4,696 to the commissioner for adjudication—in which they ask the concurrence of the Senate.—The House of Representatives non-concur with the Senate's amendment to the bill for the benefit of Laney Moore. They concur

with the Senate's amendment to a bill for the relief of George W. Shackleford—to a bill to amend and explain an act more amply to provide for the poor—and to a bill explanatory of an act passed December 14th 1831, entitled an act to equalize the tax on wholesale and retail merchants, jewelers, grocers and auctioneers.—And then he withdrew.

Whereupon the said bills were severally read a third and last time in both Houses, passed, and ordered to be enrolled. The said resolutions were also read and concurred in.—Ordered, that the clerk acquaint the House of Representatives therewith.

Mr Bradford returned without amendment a bill to amend an act entitled an act further to define and extend the jurisdiction of justices of the peace. Said bill was thereupon read a second time and passed.

Mr Bradford also returned a bill to establish the county of——— and moved to lay it upon the table, which failing, he thereupon moved its indefinite postponement, and the question being thereupon had, it was determined in the negative—ayes 2 noes 17. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Bradford and Mr Jetton—2.

The negative voters are, Mr Speaker, Anderson, Andrews, Brabson, Burford, Davis, Feild, Frey, Gillespy, Greene, Lytle, M'Clellan, M'Iver, Murray, Perkins, Polk and Wyly—17.

And so said motion was rejected.

Mr Bradford then offered the following as an amendment to said bill, to wit: beginning at a point in the south boundary line of Rutherford county, sixteen miles east of Shelbyville upon a direct line, thence running south to the south boundary line of Bedford county, and the sense of the Senate being thereupon had, said amendment was rejected.

Mr Bradford then offered the following, to wit: beginning at a point in the south boundary line of Rutherford county, at a point from which a line running south will leave in Bedford county, eight hundred and eighty-three square miles, according to the report and affidavit of Andrew Paul, and the sense of the Senate being thereupon also had, said amendment was rejected.

The said bill was then put upon its passage, and the question shall the bill pass, being thereupon had, it was determined in the affirmative—ayes 15, noes 5. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Speaker, Anderson, Brabson, Burford, Davis, Feild, Frey, Gillespy, Greene, Holman, Lytle, M'Clellan, M'Iver, Perkins and Wyly—15.

The negative voters are, Mr Andrews, Bradford, Jetton, Murray and Polk—5.

And so said bill passed its second reading,

A bill to establish the town of Portersville in the county of Tipton, and a bill to abolish the Bank of the State of Tennessee, were severally read a second time and passed.

A bill to establish the dividing line between the counties of Robertson and Sumner, and a bill for relief of Nancy Marsh and Ra-

chel Vaughn, were severally read a third and last time in both Houses, passed and ordered to be enrolled.

The bill to incorporate the Union Bank of Tennessee, was taken up and read.

Mr Jetton moved to insert the words "the State of," in the caption of said bill, so as to make it read "a bill to incorporate the Union Bank of the State of Tennessee," which prevailed.

Mr Jetton then moved to strike therefrom, the word "Columbia," for the purpose of inserting the word "Nashville," and thereupon the question was had, and determined in the negative—ayes 9, noes 11. The ayes and noes being demanded constitutionally by Mr Jetton,

The affirmative voters are, Mr Speaker, Anderson, Andrews, Burford, Frey, Holman, Jetton, Lytle and Perkins—9.

The negative voters are, Mr Brabson, Bradford, Davis, Feild, Gillespy, Greene, M'Clellan, M'Iver, Murray, Polk and Wyly—11.

And so said motion was rejected.

Mr Jetton next moved to amend by striking out the words "one million of dollars," the amount of stock proposed to be subscribed for the State, for the purpose of inserting the words "five hundred thousand dollars," and thereupon the question, will the Senate receive said amendment, being had, it was determined in the affirmative—ayes 13, noes 7. The ayes and noes being demanded constitutionally by Mr Jetton,

The affirmative voters are, Mr Spreker, Anderson, Brabson, Bradford, Burford, Frey, Greene, Holman, Jetton, M'Clellan, M'Iver, Perkins and Wyly—13.

The negative voters are, Mr Andrews, Davis, Feild, Gillespy, Lytle, Murray and Polk—7.

And so said motion prevailed.

Mr Murray moved to amend by reducing the number of directors to be appointed by the State, from "five" to "three," and the question thereon being had, it was determined in the negative—ayes 10, noes 10. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Speaker, Andrews, Burford, Feild, Gillespy, Holman, Jetton, M'Iver, Murray and Polk—10.

The negative voters are, Mr Anderson, Brabson, Bradford, Davis, Frey, Greene, Lytle, M'Clellan, Perkins and Wyly—10.

And so said motion was rejected.

Mr Burford then moved to strike out so much of the bill as proposed to allow the Bank to receive a greater interest than at the rate of 6 per cent. per annum, and the question thereon being had, it was determined in the negative—ayes 7, noes 13. The ayes and noes being demanded constitutionally by Mr Burford,

The affirmative voters are, Mr Bradford, Burford, Davis, Frey, Greene, Jetton and Wyly—7.

The negative voters are, Mr Speaker, Anderson, Andrews, Brabson, Feild, Gillespy, Holman, Lytle, M'Clellan, M'Iver, Murray, Perkins and Polk—13.

And so said motion was lost.

The said bill was then put upon its passage, and the question shall the bill pass, being thereupon had, it was determined in the affirmative—ayes 11, noes 9. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Anderson, Andrews, Feild, Gillespy, Holman, Jetton, Lytle, M'Iver, Murray, Perkins and Polk—11.

The negative voters are, Mr Speaker, Brabson, Bradford, Burford, Davis, Frey, Greene, M'Clellan and Wyly—9.

And so said bill passed its third reading.

And then the Senate adjourned.

WEDNESDAY, OCTOBER 17, 1832.

Mr Polk from the committee on enrolled bills reported as truly enrolled, an act for the benefit of Thomas J. Barker, a man of color—an act to authorize Julius Dugger to build a toll bridge across Watauga river—an act establishing the dividing line between the counties of Robertson and Sumner—an act authorizing the county courts of Greene and Washington to appoint each a surveyor to run a part of the dividing line between said counties—an act for the benefit of the Paris Guards—an act extending the corporation of the town of Trenton—an act for the benefit of the common schools in the counties of Carter and Humphreys—an act to authorize James B. Reynolds and Joseph P. Thomas to build a bridge across Red river—an act to authorize the Register of the Western District to issue a grant on entry No. 778—an act for the relief of George W. Shackleford—an act to divorce Elisha Gower from his wife Jemima—an act to divorce Mahala Shaw from her husband George W. Shaw—an act for the relief of Laney Moore—an act for the relief of Nancy Marsh and Rachel Vaughn—an act to incorporate the town of Raleigh in the county of Shelby—an act explanatory of an act passed December 14th 1831, entitled an act to equalize the tax on wholesale and retail merchants, jewelers, grocers and auctioneers—an act to incorporate the inhabitants of the town of Elizabethton in the county of Carter—an act to amend and explain an act entitled an act more amply to provide for the poor, passed November 15th 1827—a resolution referring grants Nos. 21,196 and 21,197 to the commissioner for adjudication—a resolution appointing justices of the peace for Sullivan county—a resolution appointing justices of the peace for the county of Tipton—a resolution appointing justices of the peace for Smith county—a resolution appointing justices of the peace for the counties of Perry and Henderson—a resolution appointing a justice of the peace for the county of Warren—and a resolution appointing justices of the peace for the county of Henderson, all of which were signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

Mr Perkins' resolution of yesterday referring grant No. 17,381 to

the commissioner for adjudication, was taken up read and adopted. Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr Davis submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the resolutions of this General Assembly, referring grants and warrants to the Secretary of State as commissioner of land claims for adjudication, shall not be printed with the acts as heretofore, but said resolutions, shall be filed with the Secretary of State, and shall have full force and effect.

Mr Anderson moved a suspension of the rule prohibiting the reconsideration of votes, after the expiration of the day upon which such vote was given, which prevailing, he moved a reconsideration of the resolution from the House of Representatives, appointing justices of the peace for the counties of Knox and Anderson, which prevailing also, the said resolution was on motion of Mr Anderson ordered to lie on the table.

A bill to divorce Samuel Walker of the county of Overton from his wife Elizabeth Walker, was taken up and read, and the question, shall the bill pass, being thereupon had, it was determined in the negative—ayes 9, noes 11. The ayes and noes being demanded constitutionally by Mr Burford,

The affirmative voters are, Mr Speaker, Andrews, Bradford, Greene, Holman, Lytle, M'Iver, Murray and Perkins—9.

The negative voters are, Mr Anderson, Brabson, Burford, Davis, Feild, Frey, Gillespy, Jetton, M'Clellan, Polk and Wyly—11.

And so said bill was rejected.

A bill to amend and explain an act entitled an act to abolish imprisonment for debt—a bill making additional compensation to sheriffs for attending on the supreme courts—and a bill to amend an act further to define and extend the jurisdiction of justices of the peace, were severally read and rejected.

Received from the House of Representatives, a bill to attach Jefferson county to the chancery district at Knoxville—a bill to cut a canal from the Forked Deer river to the Mississippi river—a bill to authorize David M'Kinney to build a bridge across the Hatchee river—a bill to enable free persons of color to emigrate to Liberia—a bill to provide for the collection of the school tax—a bill for the benefit of John and Lindsey Pinckham—a bill to amend an act to appoint a Geologist, Mineralogist and Assayer for the State of Tennessee—a bill to make a turnpike road from Lebanon to Nashville—a bill to provide for repairing the court house in the town of Athens in M'Minn county—and a bill to amend an act to incorporate the Franklin and Columbia turnpike company, which were severally read a first time and passed.

A bill heretofore introduced by Mr Anderson, to preserve the purity of elections, was taken up, read and passed a first reading.

A bill for the benefit of the persons therein named—a bill to extend the corporation of the town of Memphis—a bill to estab-

lish the county of ———a bill for the benefit of Alexander Brown—and a bill for the benefit of John Barnard, were severally read a second time and passed.

Mr Bradford returned with an amendment which was accepted, a bill to amend an act entitled an act to establish boards of Internal Improvement in the several counties in this state, lying West of Tennessee river.—Said bill was read a socond time and passed.

Mr Bradford presented the following statement of Samuel G. Smith, Secretary of State, which was on motion of Mr Bradford, ordered to be entered upon the Journals of the Senate, to wit:

"When I made the examination of the Entry Taker's office in Bedford county, Abraham Martin, Esq. who had been in the office during the time of transacting the principal business, was absent; his friend produced the vouchers for monies paid over, which were placed to his credit, and a balance charged against him. Since that time I have been satisfied that one of the receipts for money previously paid over was not produced.—If that receipt had been produced it would have settled the account.—The account against him contains all the vouchers produced and was correctly stated according to the evidence before me. The receipt above referred to was not produced, probably not in the possession of his friend at the time, or overlooked by him.—The statement of the cashier of the Bank recently produced to me, shows that Mr Martin paid over all the monies for which he was chargeable, on account of land entered while he was in office.

SAM. G. SMITH.

October 17th, 1832.

Mr Frey submitted the following:

Resolved, that a joint select committee be appointed to make an estimate of the expenses of this session of the General Assembly, to include Monday next and no longer.

Mr Greene returned, with an amendment in lieu of the whole, a bill to appoint commissioners on Burke's turnpike road leading from Sparta, to the Crab Orchard and for other purposes.

Mr Holman offered an additional amendment thereto, which, together with Mr Greene's amendment was accepted in lieu of the original bill. Said bill was thereupon read a second time as amended, and passed.

A message from the House of Representatives, by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign enrolled bills of the following titles, to wit: an act to incorporate the town of Kingston and to provide for the re-survey of said town—an act to amend and explain an act entitled an act to tax the retailers of spirituous liquors, and appropriate the monies arising therefrom to the use of common schools, passed December 15, 1831—an act to provide for the collection of costs in certain cases—and an act for the relief of Lewis Ross and John Walker, Jr.

The House of Representatives concur in the Senate's resolutions ap-

pointing justices of the peace for the counties of Obion and Henderson; they have adopted a resolution appointing justices of the peace for the counties of Lincoln and Hardin, in which they ask the concurrence of the Senate.—And then he withdrew.

Whereupon the said resolution was read and concurred in; the Speaker of the Senate signed said enrolled acts and ordered them to be deposited in the office of the Secretary of State.

Mr Bradford returned with an amendment, which was accepted, a bill to amend and explain an act, entitled an act to incorporate a company called the Franklin turnpike company, passed 31st December 1829. Said bill was thereupon read a second time and passed.

A bill for the benefit of George S. Yerger and George W. Churchwell, was taken up and read.

Mr Burford moved to strike therefrom, the sum of five hundred dollars, as compensation to George S. Yerger, and the question thereupon being had, it was determined in the negative—ayes 5, noes 15. The ayes and noes being demanded constitutionally by Mr Burford,

The affirmative voters are, Mr Burford, Holman, M'Clellan, Perkins and Wyly—5.

The negative voters are, Mr Speaker, Anderson, Andrews, Brabson, Bradford, Davis, Feild, Frey, Gillespy, Greene, Jetton, Lytle, M'Iver, Murray and Polk—15.

And so said motion was lost.

Mr Anderson moved to strike from said bill the sum of five hundred dollars as amended by the House of Representatives, and reinstate the sum of seven hundred and fifty dollars as compensation to Pryor Lea, which motion prevailed.

The said bill was thereupon read as amended a third time and passed.

A bill heretofore introduced by Mr Gillespy to exempt non-slave holders and non-land holders from the payment of a free poll tax for State or county purposes, was read a first time and passed.

A bill for the relief of John C. Haley and his son John Haley, was taken up, and read.

Mr Greene offered an amendment thereto in lieu of the whole, which was accepted. The bill was then read as amended, a third time and passed.

A bill for the relief of Wm. C. Mynatt of Knoxville—and a bill to amend the corporation laws of the town of Liberty in Smith county and for other purposes, were severally read a third time and passed.

Mr M'Clellan returned, with an amendment, a bill to repeal so much of an act, entitled an act concerning free persons of color and for other purposes, as requires the emancipators of slaves to remove them without the limits of the State.

Mr Bradford moved the indefinite postponement of said bill and amendment, and the question thereon being had, it was determined

in the affirmative—ayes 11, noes 9. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are, Mr Speaker, Andrews, Bradford, Burford, Davis, Feild, Frey, Greene, Holman, Jetton and Polk—11.

The negative voters are, Mr Anderson, Brabson, Gillespy, Lytle, M'Clellan, M'Iver, Murray, Perkins and Wyly—9.

And so said amendment and bill were indefinitely postponed.

The Senate took up a bill to repeal the second and fourth sections of an act passed on the 16th day of November 1821, chapter 66.

Mr Wyly moved to amend the caption of said bill, by making it read, a bill to repeal so much of the law passed in 1821 as prohibits lawyers from taking conditional fees, which motion prevailed, and the amendment being made,

Mr Bradford moved its indefinite postponement, and the question, will the Senate indefinitely postpone said bill, being thereupon had, it was determined in the affirmative—ayes 15, noes 3. The ayes and noes being demanded constitutionally by Mr Wyly,

The affirmative voters are, Mr. Andrews, Brabson, Bradford, Burford, Davis, Feild, Frey, Greene, Jetton, M'Clellan, M'Iver, Murray, Perkins, Polk and Wyly—15.

The negative voters are, Mr Gillespy, Holman and Lytle—3.

And so said bill was rejected.

And then the Senate adjourned.

THURSDAY, OCTOBER 18, 1832.

Mr Gillespy presented the petition of Zachariah Brown, asking permission to hawk and peddle, without obtaining license therefor, which was referred, on motion of Mr Gillespy, to the committee on claims.

Mr Davis' resolution of yesterday prohibiting the printing of the resolutions referring grants to the commissioner for adjudication, and Mr Frey's resolution of the same day appointing a joint select committee to make an estimate of the expenses, of the present session of the General Assembly, were taken up, severally read and adopted.

The Speaker appointed Mr Frey and Mr Brabson to be of the committee raised by Mr Frey's resolution, on the part of the Senate—Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr M'Iver, submitted the following:

Resolved, that grant No. 692, from the State of North Carolina to Nancy Shepherd for 640 acres be referred to the commissioner for adjudication.

On motion of Mr Perkins, the Senate took up a bill to repeal an act passed on the 15th of November 1831, entitled an act to provide

for the permanent establishment of the seat of Justice in Overton county.

Mr Holman moved its indefinite postponement, and the question thereon being had, will the Senate indefinitely postpone said bill, it was determined in the negative—ayes 4, noes 15. The ayes and noes being demanded constitutionally by Mr Holman,

The affirmative voters are, Mr Speaker, Bradford, Holman and Lytle—4.

The negative voters are, Mr Anderson, Andrews, Brabson, Burford, Davis, Frey, Gillespy, Greene, Jetton, M'Clellan, M'Iver, Murray, Perkins, Polk and Wyly—15.

And so said motion was lost.

Mr Holman then asked and obtained leave to withdraw the said bill for amendment.

Mr Gillespy submitted the following:

Resolved, that it shall hereafter be a rule of the Senate that any member who shall withdraw a bill, shall return it on the same day, or the next morning.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.

Mr Frey returned, with an amendment which was accepted, a bill to explain and amend an act entitled an act to prevent a sacrifice of real estate and for other purposes; said bill was read as amended a third time and passed.

A message from the House of Representatives, by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives have taken up on a third and last reading in both Houses, the bill to incorporate the Union Bank of the State of Tennessee, and propose sundry amendments thereto, herewith transmitted, in which they ask the concurrence of the Senate.—And then he withdrew.

Whereupon the first amendment was read, proposing to strike from the said bill the words "Treasurer and Secretary," thereby giving the power alone to the Governor of the state to appoint the directors on the part of the state. And the question, will the Senate concur with said amendment being thereupon had, it was determined in the affirmative—ayes 11, noes 8. The ayes and noes being demanded constitutionally by Mr Murray,

The affirmative voters are, Mr Anderson, Andrews, Bradford, Burford, Davis, Feild, Frey, Gillespy, M'Iver, Perkins and Wyly—11.

The negative voters are, Mr Speaker, Brabson, Greene, Jetton, Lytle, M'Clellan, Murray and Polk—8.

And so said amendment was concurred with.

The second amendment, authorizing Stock to be paid for in bank notes, equivalent to gold or silver coin, was thereupon read, and the question, will the Senate concur with said amendment, being thereon had, it was determined in the negative—ayes 8, noes 11. The ayes and noes being demanded constitutionally by Mr Anderson,

The affirmative voters are, Mr Feild, Gillespy, Jetton, Lytle, M'Iver, Murray, Perkins and Polk—8.

The negative voters are, Mr Speaker, Anderson, Andrews, Brabson, Bradford, Burford, Davis, Frey, Greene, M'Clellan and Wyly —11.

And so said amendment was non-curred in.

The third amendment, proposing to strike out the words, "one half of one per cent," for the purpose of inserting in lieu, the words "two thirds of one per cent," being read, the question was thereupon had, will the Senate concur, and determined in the negative—ayes 4, noes 15. The ayes and noes being demanded constitutionally by Mr Burford,

The affirmative voters are, Mr Bradford, Burford, Davis and Wyly—4.

The negative voters are, Mr Speaker, Anderson, Andrews, Brabson, Feild, Frey, Gillespy, Greene, Jetton, Lytle, M'Clellan, M'Iver, Murray, Perkins and Polk—15.

And so said amendment was non-concurred with.

The fourth amendment, proposing to substitute "Nashville" in lieu of "Columbia," as the place at which the bank should be located, was next read, and the question, will the Senate concur, being thereupon had, it was determined in the negative—ayes 10, noes 10. The ayes and noes being constitutionally demanded by Mr Polk,

The affirmative voters are, Mr Speaker, Anderson, Burford, Feild, Frey, Holman, Jetton, Lytle, M'Iver and Perkins—10.

The negative voters are Mr Andrews, Brabson, Bradford, Davis, Gillespy, Greene, M'Clellan, Murray, Polk and Wyly—10.

And so said amendment was non-concurred with.

Sundry other amendments proposed to said bill, were thereupon read and concurred in. Ordered, that the clerk acquaint the House therewith.

Mr Polk submitted the following:

Resolved, That the Senate shall hereafter hold night sessions; and that they hereafter convene at 7 o'clock A. M.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was read and rejected.

A bill for the relief of Mary Harris; a bill for the relief of Sterling S. Condrey and others, a bill to amend an act, entitled an act to abolish imprisonment for debt, except in cases of fraud, passed Dec. 14, 1831, a bill further to provide for the distribution of Haywood and Cobbs' Revisal, a bill to make compensation to Daniel Graham, for office rent for the records of the State for the year 1830, were severally read a third and last time in both houses, passed and ordered to be enrolled.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives have again taken up the bill to incorporate the Union Bank of the State of Tennessee, and insist upon their amendment, No. 2, authorizing bank stock to be paid for in bank notes, equivalent to specie, and also in their amendment No. 4, proposing to substitute "Nashville" in lieu of

"Columbia," and again ask the concurrence of the Senate.—And then he withdrew.

Whereupon amendment No. 2 was read and non-concurred with.

Amendment No. 4 was then read and concurred with.—Ordered, that the clerk acquaint the House of Representatives therewith.

Mr Feild returned with an amendment, which was accepted, a bill for the relief of the occupants south and west of the Congressional reservation line, and for other purposes.

Mr Davis offered an additional amendment thereto, which being also accepted, said bill was put upon its passage, and the question, shall the bill pass, being thereupon had, it was determined in the affirmative—ayes 13, noes 7. The ayes and noes being demanded constitutionally by Mr M'Iver,

The affirmative voters are, Mr Speaker, Anderson, Brabson, Burford, Davis, Feild, Frey, Gillespy, Holman, Lytle, Murray, Perkins and Polk—13.

The negative voters are, Mr Andrews, Bradford, Greene, Jetton, M'Clellan, M'Iver and Wyly—7.

And so said bill passed its third reading.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives have again taken up the bill to incorporate the Union Bank of the State of Tennessee, and again insist upon their amendment No. 2, authorizing stock to be paid for in bank notes, equivalent to specie, and ask your concurrence therein.—And then he withdrew.

Whereupon the said amendment was read, and the question, will the Senate concur, being thereupon had, it was determined again in the negative—ayes 9, noes 11. The ayes and noes being demanded constitutionally by Mr Davis,

The affirmative voters are, Mr Speaker, Feild, Gillespy, Jetton, Lytle, M'Iver, Murray, Perkins and Polk—9.

The negative voters are, Mr Anderson, Andrews, Brabson, Bradford, Burford, Davis, Frey, Greene, Holman, M'Clellan and Wyly —11.

And so said amendment was non-concurred with.—Ordered, that the clerk acquaint the House of Representatives therewith.

On motion of Mr Frey, the preamble and resolution submitted by Mr Anderson, on the 2d inst. as amended by him (Mr Frey) on the 10th inst., proposing to expel the Senator from Carroll, was taken up and read.

Whereupon Mr Bradford submitted the following:

Resolved, That the Senator from Carroll, whose expulsion is moved by a resolution submitted to this house, be permitted to defend himself by counsel, at the bar of the Senate.

And the rule requiring resolutions to lie one day on the table being suspended, on motion of Mr Bradford, the said resolution was read and put upon its adoption; and the question thereon being had, will the Senate adopt said resolution, it was determined in the affir-

mative—ayes 17, noes 2. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Anderson, Andrews, Brabson, Bradford, Davis, Feild, Frey, Gillespy, Greene, Holman, Jetton, Lytle, M'Clellan, M'Iver, Perkins, Polk and Wyly—17.

The negative voters are Mr Speaker and Burford—2.

And so said resolution was adopted.

Mr Speaker Douglass, submitted the following in lieu of Mr Anderson's resolution of the 2d ultimo, in relation to the expulsion of the Senator from Carroll, to wit:

Resolved, That the protest now upon the Journals of the Senate, of Robert Murray, the Senator from Carroll, against the course pursued by the Senators from East Tennessee, on the bill districting the State for Representatives in Congress, is indecorous and offensive to the Senate; because of an imputation upon a portion of its members, and therefore meets the unqualified disapprobation of the Senate.

Resolved secondly, that the course pursued by the Eastern Delegation upon said bill, is wholly free from any thing repugnant to the elevated character of a Senator and Representative of the people.

Mr Bradford moved to lay said resolution, together with the one submitted by himself, as also Mr Anderson's, upon the table until to-morrow; and the question thereon being had, will the Senate order said resolutions to lie on the table until to-morrow, it was determined in the affirmative—ayes 12, noes 7. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Anderson, Andrews, Bradford, Davis, Feild, Frey, Gillespy, Greene, Holman, Jetton, Lytle and M'Iver—12.

The negative voters are, Mr Speaker, Brabson, Burford, M'Clellan, Perkins, Polk and Wyly—7.

And so said motion prevailed.

On motion of Mr Anderson, the preamble and resolution submitted by him on the 4th ultimo, in relation to the protest and statement of the Senator from Carroll, was taken up and read, and the question thereon being had, will the Senate adopt said preamble and resolution, it was determined in the affirmative—ayes 13, noes 6. The ayes and noes being constitutionally demanded by Mr Bradford,

The affirmative voters are Mr Speaker, Anderson, Brabson, Burford, Feild, Frey, Gillespy, Greene, Lytle, M'Clellan, Perkins, Polk and Wyly—13.

The negative voters are, Mr Andrews, Bradford, Davis, Holman, M'Iver and Murray—6.

And so said preamble and resolutions were adopted.

Mr Polk submitted the following:

Resolved, That the Senate shall hereafter hold night sessions, to convene at 7 o'clock P. M. and that the clerk be authorized to employ assistance.

And the rule requiring resolutions to lie one day on the table, being suspended, on motion of Mr Polk, the question was had, will

the Senate adopt said resolution, and determined in the negative—ayes 8, noes 10. The ayes and noes being demanded constitutionally by Mr Polk,

The affirmative voters are, Mr Speaker, Andrews, Burford, Feild, Lytle, M'Clellan, Polk and Wyly—8.

The negative voters are, Mr Anderson, Brabson, Bradford, Davis, Frey, Gillespy, Greene, Holman, Jetton, M'Iver and Perkins—10.

And so said resolution was rejected.

Mr Jetton submitted the following:

Resolved, That the Senate hereafter adjourn to meet at sunrise in the morning.

And the rule requiring resolutions to lie one day on the table, being suspended, said resolution was adopted.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign enrolled resolutions herewith transmitted, of the following titles, to wit: a resolution directing the repair of public arms, a resolution referring certain grants to the Commissioner for adjudication, and a resolution appointing justices of the peace for the counties of Maury, Wayne, Madison, Hawkins, Campbell, Roane, Hardin and Monroe. The House of Representatives have adopted resolutions, referring grants Nos. 2,062 and 1,756 to the Commissioner for adjudication, and a resolution appointing justices of the peace for the county of Wilson, in which they ask the concurrence of the Senate.—And then he withdrew.

Whereupon the said resolution requiring grants Nos. 2,062 and 1,756, and appointing justices of the peace for the county of Wilson, were severally read and concurred in. The Speaker of the Senate signed said enrolled resolutions and ordered them to be deposited in the office of the Secretary of State.

A bill to repeal an act passed 15th November, 1831, entitled an act to provide for the permanent establishment of the seat of justice in Overton county, was returned by Mr Holman with an amendment, which was accepted in lieu of the whole. Said bill was read as amended, a second time and passed.

A bill for the relief of Sarah Park, of Knox county, Margaret Bradley, of Dickson county, and others, a bill to amend an act entitled an act to establish the town of Mount Pleasant and to incorporate the inhabitants thereof, a bill concerning the registration of bills of sale for slaves, and a bill for the relief of William M'Coy, were severally read a third time and passed.

A bill making provision for the purchase and distribution of Rhea's Map of Tennessee, was read a second time and passed.

And then the Senate adjourned.

FRIDAY, OCTOBER 19, 1832.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign an enrolled bill, entitled an act to amend the corporation laws of the town of Liberty in Smith county, and for other purposes, an act for the relief of George S. Yerger and others, and a resolution appointing justices of the peace for Wilson county. The House of Representatives concur with the Senate's resolution, appointing a joint select committee to make an estimate of the expenses of the present session of the General Assembly, in your resolution referring grant No. 17,381, to the Commissioner for adjudication, and in your resolution prohibiting the printing of the resolutions, referring grants to the Commissioner for adjudication.—And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled bills and resolutions, and ordered them to be deposited in the office of the Secretary of State.

A resolution heretofore submitted by Mr Burford, proposing to wind up and bring to a close the concerns of the Bank of the State of Tennessee, was taken up, read and adopted.—Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr Burford from the joint select committee on the Kentucky line, made the following report, to wit:

The joint select committee, to whom was referred the subject of settling definitely, so much of the boundary line between the States of Kentucky and Tennessee, as is denominated Walker's line, beg leave to report: that by the 3d article of the compact between the two States concluded at Frankfort on the 2d day of February 1820, whenever the Governor of either State should deem it expedient to have the boundary between the two States which is east of Tennessee river or any part thereof, run and plainly marked, he should cause a notification thereof, to be communicated to the Governor of the other State, and thereupon with all convenient despatch, two surveyors should be appointed for that purpose, one by the Governor of each State, to ascertain, survey and mark said line plainly and durably. And in conformity with the aforesaid stipulation, in the year 1830, the Governor of the State of Kentucky appointed Luke Munsell Esq. and the Governor of the State of Tennessee, appointed James Bright Esq. to ascertain, run and plainly mark the dividing line between the States of Tennessee and Kentucky, from some known point in Walker's line, near the south east corner of Trigg county to the Tennessee river, and also that part of the line adjoining Simpson and Allen counties according to the terms of the compact entered into by the said States on the 2d February 1820.

By the report of said surveyors bearing date the 4th day of December 1830, their services were faithfully performed between that time and the 4th of November preceding. The report together

with the accompanying plat and field notes of the survey have been carefully examined. They have also examined the report of the committee and the resolutions adopted by the General Assembly of the State of Kentucky of January 15th 1831, concerning said survey, which with a memorial and affidavit of certain citizens residing between the disputed lines in the county of Stewart, and the personal observation and enquiry of some of the members, induce this committee unanimously to recommend the establishment of the original north line of Walker, as the boundary line between the two States. And the committee dissent from so much of the report and resolutions of the Legislature of Kentucky, as seeks to establish the triangular line, commencing at a certain beech tree in the line near Drake's creek, and making an off-set south 62½ degrees west to a certain black jack standing in the road leading from Nashville to Lexington; and from thence taking another off-set northwardly to a certain gum tree standing in Walker's original line.

The territory included in this triangular space contains, it is said, some ten or fifteen families and extends along the line about the same number of miles. A small portion of these citizens have heretofore claimed to be residents of Kentucky, and a few yet feel some solicitude on the subject, but a large majority have no particular desire to remain under the jurisdiction of Kentucky, and if they had, a glance at the plat of the survey must convince every unprejudiced person that the direct line should be established as the true line, in preference to this unnecessary and unaccountable southern variation, as represented in the triangle.

This committee also dissent from so much of the report and resolutions of the Legislature of Kentucky as seeks to establish so much of Walker's line traced and marked by the commissioners till within one mile of the Cumberland river, and by them extended to the river. It does *not appear* that most of the citizens north of that line have heretofore considered themselves as Kentuckians, but on the contrary, it appears by the memorial and affidavits of a number of persons residing between the disputed lines, that they have heretofore been considered as Tennesseeans, and three or more of them have held offices under the authority of Tennessee.

Therefore the committee unanimously recommend that the line as run and remarked by Messrs. Munsell and Bright, late commissioners, in the year 1830, be established, commencing at the corner of Monroe and Allen counties, thence west to a beech tree near Drake's creek, thence west to a gum tree; (giving to the State of Tennessee the territory as represented on the plat in the triangle;) thence west to the south east corner of Trigg county, and from thence with the northern line as run by said commissioners to the Tennessee river.

Resolved by the General Assembly of the State of Tennessee, That the Governor of this State transmit to the Governor of Kentucky, a copy of this report, and request a recognition of the north and *direct line* denominated Walker's line, dividing the States of Kentucky and Tennessee, as re-surveyed and plainly marked by Messrs. Bright

and Munsell in the year 1830 from the corners of Monroe and Allen counties on the State line west to the Tennessee river.

Said report was concurred in. On motion of Mr Bradford, ordered that the foregoing report be transmitted to the House of Representatives.

A bill to prevent excessive usury, was taken up and read, Mr M'Clellan moved to amend the caption of said bill, so as to read "a bill to authorize the taking of excessive usury," which prevailing, the bill was thereupon read and rejected.

Mr Polk from the committee on enrolled bills reported as truly enrolled, an act providing for running a line dividing the counties of Blount and Sevier—an act for the benefit of Buffaloe Iron Works—an act for the relief of Mary Harris—and a resolution appointing justices of the peace for the counties of Henderson and Obion.

Said bills were signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

Mr Polk submitted the following:

Resolved by the General Assembly of the State of Tennessee, That Frank Gordon be, and he is hereby appointed a justice of the peace for the county of Maury.

Mr Anderson the following:

Resolved by the General Assembly of the State of Tennessee, That Lewis Miller, John Seiber, Henry R. Butler and James W. Turner, be and they are hereby appointed justices of the peace for the county of Anderson, and that James Maxwell, Isaac Bayless, Jacob M. Butler, James D. Murray, Obediah Hall, Richard Keyhill, Reuben Walker, Samuel White and William Craighead, be and they are hereby appointed justices of the peace for Knox county.

And the rule requiring resolutions to lie one day on the table, being suspended, said resolutions were adopted.—Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr M'Clellan returned with an amendment, a bill continuing the Bank agency in Campbell county for the time therein named,

Mr Gillespy offered an additional amendment thereto. On motion, said bill and amendments were ordered to lie on the table.

The Senate took up a bill to amend an act entitled an act to establish and incorporate a board of Internal Improvement in that part of the state East of the Cumberland Mountain.

Mr Gillespy offered an amendment thereto, and the question, will the Senate accept said amendment, being thereupon had, it was determined in the affirmative—ayes 12, noes 5. The ayes and noes being demanded constitutionally by Mr Greene,

The affirmative voters are, Mr Anderson, Brabson, Davis, Feild, Frey, Gillespy, Jetton, Lytle, M'Clellan, Murray, Polk and Wyly —12.

The negative voters are, Mr Andrews, Burford, Greene, M'Iver and Perkins—5.

And so said amendment was received.

Said bill was thereupon read a third time and passed.

On motion of Mr Anderson, the Senate took up the preamble and resolution submitted on yesterday by Mr Speaker Douglass in lieu of the one submitted by himself, and after some time spent in the discussion thereof, Mr Speaker Douglass asked and obtained leave to withdraw the same.

Mr Perkins then submitted the following:

Resolved, That the protest of the Senator from Carroll, together with all resolutions and other documents proposing to expel the said Senator be expunged from the Journals of the Senate.

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was put upon its adoption, and the question will the Senate adopt said resolution, being thereupon had, it was determined in the negative—ayes 5, noes 15. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Speaker, Andrews, Jetton, Lytle and Perkins—5.

The negative voters are, Mr Anderson, Brabson, Bradford, Burford, Davis, Feild, Frey, Gillespy, Greene, Holman, M'Clellan, M'Iver, Polk and Wyly—14.

And so said resolution was rejected.

Mr Murray offered the following, asked and obtained leave to have it entered upon the Journals, to wit:

"Having been denied the privilege of introducing testimony to sustain and justify my protest, I have declined employing counsel in my defence.

ROBERT MURRAY."

M Bradford moved that the resolutions relating to the expulsion of the Senator from Carroll, be laid upon the table until to-morrow, which prevailing, they were ordered to lie on the table and made the order of the day for to-morrow.

The Senate took up a bill to compensate Jacob P. Chase.

Mr Brabson moved to strike out the sum of $50 00 for the purpose of inserting $100 00, which motion was lost. The bill was then put upon its passage, and the question thereon being had, shall the bill pass, it was determined in the affirmative—ayes 13, noes 5. The ayes and noes being demanded constitutionally by Mr Greene,

The affirmative voters are, Mr Speaker, Anderson, Andrews, Brabson, Bradford, Frey, Gillespy, Holman, Jetton, Lytle, M'Clellan, Murray and Wyly—13.

The negative voters are, Mr Burford, Davis, Greene, M'Iver and Perkins—5.

And so said bill passed its second reading.

A bill to repeal all laws allowing lotteries to be drawn in this State, was taken up and read, and the question thereon being had, shall the bill pass, it was determined in the affirmative—ayes 14, noes 6. The ayes and noes being demanded constitutionally by Mr Murray,

The affirmative voters are, Mr Speaker, Andrews, Brabson, Bur-

ford, Davis, Feild, Frey, Gillespy, Greene, Jetton, M'Clellan, Murray, Polk and Wyly—14.

The negative voters are, Mr Anderson, Bradford, Holman, Lytle, M'Iver and Perkins—6.

And so said bill passed its second reading.

A bill to establish a Lunatic Hospital in this state was taken up, and read, and the question thereon being had, shall the bill pass, it was determined in the affirmative—ayes 12, noes 5. The ayes and noes being demanded constitutionally by Mr Brabson,

The affirmative voters are, Mr Andrews, Burford, Davis, Feild, Frey, Jetton, Lytle, M'Iver, Murray, Perkins and Polk—11.

The negative voters are, Mr Speaker, Anderson, Brabson, Gillespy, Greene and M'Clellan—6.

And so said bill passed its third reading.

A bill abolishing the Bank of the State of Tennessee, was taken up and read.

Mr Greene moved to reinstate the original bill in lieu of the amendment made in the House of Representatives, and the question, will the Senate reinstate, being thereupon had, it was determined in the affirmative—ayes 13, noes 4. The ayes and noes being demanded constitutionally by Mr Greene,

The affirmative voters are, Mr Speaker, Andrews, Brabson, Burford, Davis, Greene, Holman, Lytle, M'Clellan, M'Iver, Perkins, Polk and Wyly—13.

The negative voters are, Mr. Anderson, Frey, Gillespy and Jetton —4.

And so said original bill was reinstated; the said bill was thereupon read a third time and passed.

A bill for the relief of the Surveyor General of the Hiwassee District—a bill to appoint commissioners on Burke's turnpike road leading from Sparta to the Crab Orchard and for other purposes—a bill for the benefit of John and Barnett Rowark—a bill for the relief of John R. Dulany and Wm. K. Blair—a bill for the benefit of Benjamin James, a free man of color—a bill for the benefit of the persons therein named—a bill for the benefit of Henry Matlock of M'Minn county—a bill appropriating money to defray the expense of the survey of a rail road route from Paint Rock at the North Carolina line to Knoxville—a bill for the relief of Thomas Hoard guardian of the heirs of Stanwix Hoard dec'd.—a bill to establish a board of Internal Improvement for the county of Lawrence —a bill to regulate the Academies in this state—a bill for the relief of Isaac and Melchisedec Hill—a bill for the benefit of Robert L. Cobbs—a bill for the benefit of Robert Cowan—a bill prescribing the manner in which the school funds north and east of the Congressional Reservation line shall be collected—a bill for the relief of Wm. G. Lyle, of Monroe county—a bill for the benefit of Benjamin Drane, of Washington county—and a bill continuing the Bank agency in Campbell county for the time therein mentioned, were severally read a third time and passed.

A bill to divorce Eliza Jane Tate from her husband John Tate

—a bill to prevent entries by warrant south and west of the Congressional reservation line, until the 1st day of January 1836—a bill for the regulation of suits against the securities of guardians, executors &c.—a bill to authorize James Johnson, guardian of the minor heirs of John K. Wadkins to sell certain lands—and a bill to authorize the county courts to exempt certain slaves from taxation, were severally read and rejected.

A bill to extend the corporation of the town of Memphis—a bill to authorize Mary Humphreys to emancipate certain slaves therein named—a bill to extend the limits of the corporation of the town of Shelbyville—and a bill for the benefit of Alexander Brown, were severally read a third and last time in both Houses, passed and ordered to be enrolled.

A bill to remove the chancery court from Franklin to Nashville, was taken up and read.

Mr Jetton moved its indefinite postponement, which failing, he thereupon moved to lay it upon the table, which prevailed.

A bill to cut a canal from the Forked Deer river to the Mississippi river—a bill to dispose of the Internal Improvement fund therein named—a bill making an appropriation of money to defray the expenses of the second session of the 19th General Assembly—a bill to repeal an act to prevent the violation of graves and the disturbance of the bodies of the dead—a bill for the benefit of John Crozier and Son—a bill to establish a town in the county of Henry on the lands of William C. Rodgers—a bill authorizing the judge of the seventh judicial circuit to issue certificates in certain cases—a bill for the relief of James Nugent and Samuel D. Powell—a bill to make a turnpike road from Lebanon to Nashville—a bill to establish an Academy in the county of Shelby—a bill authorizing Arthur Hays, to emancipate a certain slave—a bill granting certain powers to the Aldermen of Jonesboro'—a bill to amend an act entitled an act to establish a board of Internal Improvement for the Mountain District—a bill to extend the laws of this state over white men residing among the Cherokees, within the limits of this state—a bill for the relief of Samuel M'Connell—a bill relative to the registration of deeds and for other purposes—a bill for the relief of James Overton—a bill concerning a part of the Internal Improvement fund for Humphreys county—a bill to authorize David M'Kinney to build a bridge across Hatchee river—a bill for the relief John and Lindsey Pinchem—a bill to aid free persons of color to emigrate to Liberia—a bill to provide for the collection of the school tax—a bill to amend an act appointing a Geologist, Mineralogist and Assayer, for the State of Tennessee—a bill to amend an act entitled an act to incorporate the Franklin and Columbia turnpike company—a bill to provide for the repairing of the court-house in Athens in M'Minn county—a bill appointing a common school agent for Stewart county—a bill for the relief of Charles Howell jailer of Washington county—a bill for the benefit o John Traverse—a bill to divorce Martha A. S. Clay from her husband Samuel Clay—a bill for the benefit of Wm. B. Sorrels of Hardin county—a bill for the benefit of Wilson Coats—a bill to repeal

an act to authorize James W. Wyly to sell certain real estate—a bill for the benefit of the corporation of the town of Murfreesboro'—a bill to change a precinct election—a bill to change the name of Temperance M'Millan—a bill to change the name of Harrisburgh—a bill to give the circuit courts jurisdiction of misdemeanors—a bill prescribing the mode of taxing costs in criminal prosecutions—a bill for the benefit of Abraham and Jones Whitesides—a bill for the benefit of Ellen Hilyer of Dyer county—a bill for the relief of the heirs of Drury Smith dec'd.—a bill to divorce John Clendennen from his wife—a bill to extend the chartered limits of the corporation of Gallatin—a bill authorizing the circuit courts to take jurisdiction of issues *devisavit vel non*—a bill for the relief of Mark M. Andrews and others—a bill to establish and incorporate the Boiling Spring Academy in Williamson county—a bill to incorporate the Porter Female Academy in Williamson county—a bill to amend the common school laws of this state—and a bill fixing the time when an act passed December 20th 1831, entitled an act to amend the registration laws of this state and for other purposes, shall go into effect, were severally read a second time and passed.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The House of Representatives concur in your resolution appointing justices of the peace for the counties of Knox and Anderson, and in your resolution appointing a justice of the peace for Maury county; they have adopted a resolution directory to the Secretary of State, a resolution rescinding the resolution adopted at the present session, suspending the operations of an act making compensation to certain enterers and grantees for their improvements between the two Kentucky lines, and a resolution appointing justices of the peace for the counties of Haywood, Lincoln, Hardeman and Fayette, in which they ask the concurrence of the Senate. And then he withdrew.

Whereupon the said resolutions were severally read and concurred in.—Ordered, that the clerk acquaint the House of Representatives therewith.

Mr Wyly submitted the following:

Resolved, that the Senate will hold night sessions commencing at 7 o'clock, for the remainder of the session.

And Mr Burford the following:

Resolved, that the engrossing clerk of the Senate be, and he is hereby authorized to employ such assistance as may be necessary to enable him to keep up the business of engrossing.

And the rule requiring resolutions to lie one day on the table being suspended, said resolutions were adopted.

And then the Senate adjourned.

SATURDAY, OCTOBER 20, 1832.

Mr Frey, from the joint select committee appointed to make an estimate of the expenses of the present session of the General Assembly, made the following report in part, to wit:

	MILES.	DAYS.	AMT. SERVICE.
Mr. Speaker Douglass,	64	50	$260 24
Anderson,	410	50	265 60
Andrews,	250	50	240 00
Brabson,	500	50	280 00
Bradford,	100	50	216 00
Burford,	100	50	216 00
Davis,	150	50	224 00
Feild,	144	50	217 04
Frey,	46	50	207 36
Gillespy,	360	50	257 60
Greene,	320	50	251 20
Holman,	190	50	230 40
Jetton,	64	50	210 24
Lytle,		50	200 00
M'Clellan,	630	50	300 80
M'Iver,	400	50	264 00
Murray,	210	50	233 60
Perkins,	150	50	224 00
Polk,	66	50	210 56
Wyly,	560	50	289 60
W. K. Hill, Principal Clerk,			300 00
Luke Lea, Jr. Eng. Clerk,			300 00
Jas. Hickey, Door Keeper,			200 00

Said report was read, concurred in, and ordered to be entered upon the Journals.

Mr Polk, from the committee of enrolments, reported as truly enrolled, an act to amend an act to abolish imprisonment for debt, except in cases of fraud, passed December 14th, 1831, an act to authorize Mary Humphreys to emancipate certain persons therein named, an act to establish a lunatic hospital in this State, an act to extend the limits of the corporation of the town of Shelbyville, an act for the benefit of Alexander Brown, an act to extend the limits of the corporation of the town of Memphis, and for other purposes, a resolution appointing justices of the peace for Knox and Anderson counties, a resolution appointing a justice of the peace for Maury county, a resolution prohibiting the printing of the resolutions referring grants to the Commissioner for adjudication, a resolution referring grant No. 17,381, to the Commissioner for adjudication, all of which were signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

On motion of Mr Polk, it was ordered, that Mr Anderson and Mr Gillespy be added to the committee on enrolled bills.

A resolution from the House of Representatives providing for the printing and distribution of the Acts and Journals of the present General Assembly, was read and concurred in.—Ordered, that the clerk acquaint the House of Representatives therewith.

A bill for the benefit of Robert L. Cobbs, which passed on yesterday, was, on motion of Mr Gillespy re-considered, and being amended on his motion, was again read a third time and passed.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign an enrolled act for the relief of John R. Dulany and Will. K. Blair, an act to explain and amend an act, entitled an act to prevent the sacrifice of real estate, and for other purposes, passed the 28th of July 1820, an act for the benefit of the persons therein named, an act for the relief of the occupants south and west of the Congressional reservation line, an act to incorporate the Union Bank of the State of Tennessee, an act to amend an act to establish the town of Mount Pleasant, and to incorporate the inhabitants thereof, passed October 13, 1824, an act for the relief of John C. Haley and his son John Haley, and a resolution adopted at the present session of the General Assembly, suspending the operation of an act making compensation to certain enterers and grantees, for their improvements between the two Kentucky lines. The House of Representatives have adopted a resolution, appointing justices of the peace for the county of M'Minn, and a resolution appointing justices of the peace for the counties of Rutherford and Smith, in which they ask your concurrence.—And then he withdrew.

Whereupon the said resolutions were severally read and concurred in. The Speaker of the Senate signed said enrolled acts and resolutions, and ordered them to be deposited in the office of the Secretary of State.

A bill to compensate Jacob P. Chase, was taken up and read a third and last time in both Houses; and the question, shall the bill pass, being thereon had, it was determined in the negative—ayes 9, noes 10. The ayes and noes being demanded constitutionally by Mr Davis,

The affirmative voters are, Mr Speaker, Anderson, Brabson, Gillespy, Holman, Lytle, M'Clellan, M'Iver and Wyly—9.

The negative voters are, Mr Andrews, Burford, Davis, Feild, Frey, Greene, Jetton, Murray, Perkins and Polk—10.

And so said bill was rejected. Whereupon Mr Gillespy moved its re-consideration, which prevailed.

A bill to appropriate the internal improvement fund of Wilson county to the purposes of common schools—a bill to dispose of the internal improvement fund belonging to the counties therein named—a bill to establish a town on the lands of Wm. C. Rodgers, in Henry county—a bill for the relief of James Nugent and Samuel D. Powell—a bill making provision for the purchase and distribution of Rhea's Map of Tennessee—a bill prescribing the duties of the trustees of Bolivar Academy, in the county of Monroe—a bill

for the relief of Bradford and Deckard—a bill to amend an act for the benefit of common schools in this State—a bill establishing a volunteer company in Trenton—a bill for the relief of Charles Howell, jailer of Washington county—a bill authorizing the circuit courts to take jurisdiction of issues *devisavit vel non*—a bill to provide for repairing the court house in M'Minn county—a bill to regulate and apportion the common school fund of Bedford county—a bill to amend an act, entitled an act to incorporate a board of internal improvement for the Mountain District—a bill to make a turnpike road from Lebanon to Nashville—a bill to amend an act entitled an act to appoint a Mineralogist, Geologist and Assayer for the State of Tennessee—a bill to repeal all laws allowing lotteries to be drawn in this State, and to prevent lottery tickets from being sold—a bill to cut a canal from the Forked Deer to the Mississippi river—a bill for the relief of John Crozier and Son—a bill to repeal an act, entitled an act to provide for the permanent establishment of the seat of justice in Overton county—a bill for the benefit of the persons therein named—a bill to change the time of holding the court martial in the 48th regiment—a bill to amend an act, entitled an act to incorporate the Franklin turnpike company—a bill for the benefit of the corporation of the town of Murfreesborough—and a bill to establish academies in the counties of Smith and Shelby, were severally read a third and last time in both houses, passed and ordered to be enrolled.

A bill to remove the sitting of the court of chancery from Franklin to Nashville, was taken up and read; and the question thereon being had, shall the bill pass, it was determined in the negative—ayes 8, noes 10. The ayes and noes being demanded constitutionally by Mr Jetton,

The affirmative voters are, Mr Speaker, Anderson, Brabson, Gillespy, Greene, Lytle, M'Clellan and M'Iver—8.

The negative voters are, Mr Andrews, Bradford, Burford, Davis, Frey, Holman, Jetton, Murray, Perkins and Polk—10.

The negative voters are, Mr Andrews, Bradford, Burford, Davis, Frey, Holman, Jetton, Murray, Perkins and Polk—10.

And so said bill was rejected.

A bill to extend the laws of this State over white men residing among the Cherokees within the limits of Tennessee, was taken up on its third and last reading in both houses; and the question being thereupon had, shall the bill pass, it was determined in the negative—ayes 3, noes 11. The ayes and noes being demanded constitutionally by Mr Bradford.

The affirmative voters are, Mr Feild, Gillespy and Lytle—3.

The negative voters are, Mr Speaker, Andrews, Brabson, Bradford, Burford, Davis, Frey, Holman, Jetton, M'Iver and Perkins—11.

And so said bill was rejected.

A bill for the benefit of Terry H. Willie, was taken up on a third and last reading, and the question, shall the bill pass, being thereupon had, it was determined in the negative—ayes 9, noes 10.

The ayes and and noes being demanded constitutionally by Mr Davis,

The affirmative voters are, Mr Speaker, Anderson, Andrews, Brabson, Gillespy, Lytle, M'Iver, Murray and Perkins—9.

The negative voters are, Mr Bradford, Burford, Davis, Feild, Frey, Greene, Jetton, M'Clellan, Polk and Wyly—10.

And so said bill was rejected.

A bill authorizing the judge of the 7th judicial circuit to issue certificates in certain cases, was taken up on its third and last reading; and the question thereon being had, shall the bill pass, it was determined in the affirmative—ayes 11, noes 8. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Andrews, Burford, Gillespy, Greene, Holman, Lytle, M'Clellan, M'Iver, Murray, Perkins and Polk—11.

The negative voters are, Mr Speaker, Brabson, Bradford, Davis, Feild, Frey, Jetton and Wyly—8.

And so said bill passed a third and last reading in both houses, and was ordered to be enrolled.

On motion of Mr Anderson, the preamble and resolution heretofore submitted by him, proposing to expel the Senator from Carroll, were taken up and read.

Mr Bradford moved the indefinite postponement of said preamble and resolution, and the question thereon being had, it was determined in the negative—ayes 8, noes 11. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Speaker, Andrews, Bradford, Davis, Holman, Jetton, M'Iver and Perkins—8.

The negative voters are, Mr Anderson, Brabson, Burford, Feild, Frey, Gillespy, Greene, Lytle, M'Clellan, Polk and Wyly—11.

And so said motion was overruled.

The question then recurred upon the adoption of the said preamble and resolution, and the question being thereupon had, it was determined in the negative—ayes 11, noes 8. The ayes and noes being demanded constitutionally by Mr Bradford,

The affirmative voters are, Mr Anderson, Brabson, Burford, Feild, Frey, Gillespy, Greene, Lytle, M'Clellan, Polk and Wyly—11.

The negative voters are, Mr Speaker, Andrews, Bradford, Davis, Holman, Jetton, M'Iver and Perkins—8.

Whereupon the Speaker pronounced the rejection of the said preamble and resolution, there not being the constitutional majority in its favor.

A bill to amend an act entitled an act for the benefit of Jesse Savage—a bill for the relief of Thomas White and others—a bill to make the common school commissioners, commissioners of school land, and to make an equal distribution of the school fund among the inhabitants of Warren county—and a bill to establish the town of Portersville in Tipton county, were severally read a third time and passed.

A bill to repeal an act entitled an act for the benefit of Overton

county,passed Dec. 9, 1831—and a bill directing the manner of taxing costs on prosecutions on proceedings on scire facias, were severally read and rejected.

A bill to appoint additional trustees for Sommerville male academy, was read a second time and passed.

Mr Feild from the committee of enrolments reported as truly enrolled, an act to provide for cutting a canal from the Forked Deer to the Mississippi river—an act for the relief of John Crozier and son—an act to make compensation to Daniel Graham for office rent for the records of the State for the year 1830—an act for the benefit of Sterling S. Condry and others—an act repealing all laws allowing lotteries to be drawn in this State, and to prevent lottery tickets from being sold—and an act further to provide for the distribution of Haywood and Cobbs' Revisal, all of which were signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign enrolled bills of the following titles, to wit: an act to change the time of holding courts in the third judicial circuit—an act to abolish the Bank of the State of Tennessee—an act prescribing the manner in which the school funds north and east of the Congressional reservation line shall be collected—an act for the benefit of John and Bennet Rowark—an act to amend an act to establish and incorporate a board of internal improvement east of Cumberland Mountain—an act for the benefit of Wm. M'Coy—an act for the relief of John C. Haley and his son John Haley—an act to amend an act entitled an act to establish boards of internal improvement in the several counties of this State lying west of Tennessee river, and for other purposes, passed December 1831—an act to amend the act of 1831 abolishing imprisonment for debt—an act for the relief of Henry Matlock of M'Minn county—an act for the benefit of Benjamin James, a free man of color—an act to appoint commissioners to examine into the funds and report upon the propriety and progress of the board of internal improvement touching the Caney Fork, in the counties of Warren and White—an act for the relief of Wm. C. Mynatt of Knoxville—a resolution appointing justices of the peace for Haywood and other counties—and a resolution providing for the printing the acts and journals of the present session.—And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled bills and resolutions and ordered them to be deposited in the office of the Secretary of State.

The following protest was offered by Mr Greene, to wit:

I voted against the amendment of the Senator from Monroe, to a bill to amend an act to incorporate and establish a board of internal improvement, in that part of the State east of Cumberland Mountain,

First, because the amendment of the Senator, so far as it puts it

in the power of the board of internal improvement to make *private contracts* for removing obstructions to navigation in the Tennessee river, is a departure from the fundamental act of incorporation, and is an unprecedented *mode* of expending *public funds*.

Second, because the apparent guard in said amendment, that the said board shall not let out any contract privately, at a higher rate than the estimated value of such work made by the resident engineer, is in fact considered no guards at all, for as much as in the nature of the transaction, the estimated value of removing any particular obstruction, as well as the contract *privately entered into* by the board, are matters known alone to the board, and to said engineer, and consequently is wholly discretionary, and of course irresponsible.

Third, because sound policy requires that in the expenditure of public money, all public agents should be held to a wholesome responsibility, and that a just and wise policy dictates that in the construction of all public works a reasonable public notice should be given, with the view of obtaining the most experienced and skilful undertakers from among the whole body of the people. For these reasons I protest against the amendment authorizing said board to make private contracts for removing the obstructions in Tennessee river.

JAS. I. GREENE.

The joint select committee to whom were referred the several resolutions expressive of the sense of this General Assembly, on the subjects of the tariff, internal improvements and nullification, have had the same under consideration and a majority of said committee have instructed me to report the following preamble and resolutions, and recommend their adoption.

JAS. I. GREENE, *Chairman.*

Believing that a crisis has arrived which renders it important that Tennessee should declare to the world her opinion upon the subject of the relative power of the Federal and State Governments,

This General Assembly, that no misapprehension may exist as to what are their political principles, do declare that they regard the resolutions adopted in the Legislature of Virginia, in the year 1798, and the report of Mr Madison thereon, as a true and safe exposition of the principles of the Federal Constitution; yet as the supporters of nullification claim to be adherents to the same doctrines, it becomes the duty of this General Assembly distinctly to declare it as their opinion, that nullification is a heresy the more dangerous as it professes to rest upon the basis of the doctrines of 1798. Therefore,

Resolved by the General Assembly of the State of Tennessee, That we regard the doctrine, that a State under the constitution, either by its Legislature or by a Convention of the people of the State, has the power to render inoperative a law of Congress within the limits of the State, as unwarranted by the Federal Constitution and dangerous to the existence of the Union.

Resolved, That we regard *nullification* by either of these means as destructive to the principles of the Government, and under the guise of a "peaceful and constitutional remedy" calculated to pre-

cipitate the country into civil war.

Resolved, That the doctrine, "that a State has the right," under the constitution, to resist or render inoperative within her limits an act of Congress, whenever the same may be declared unconstitutional, by a Legislative enactment, or in "its highest political attitude, a convention of the people of the State," is wholly unwarranted by the constitution, dangerous to the existence of the Union, and inconsistent with the preservation of the Federal Government, and tending directly under the guise of a peaceful remedy to bring upon our country all the horrors of a civil war.

The undersigned as one of the minority and chairman of the joint select committee of both Houses, to whom was referred the several resolutions expressive of the sense of this General Assembly on the important subjects of the Tariff, Internal Improvements and Nullification, begs leave to submit his views on those momentous questions, as contained in the subjoined preamble and resolutions, and ask that the same may be received and spread on the journals of the Senate, all which is respectfully submitted.

JAS. I. GREENE, *Chairman,*
and one of the minority of the joint select committee.

The General Assembly of the State of Tennessee, has seen, with deep regret, manifold indications on the part of the General Government, of a disposition to legislate, from time to time, on subjects which relate properly and specially to the sovereignty and rights of the States. It has heretofore, and does now believe that the constitution of the United States is *a compact between sovereign States*, by which those sovereignties agreed to surrender a portion of their rights, the more perfectly to secure to themselves and posterity the remainder; that that compact was formed more particularly to preserve peace and harmony among the various parts of the confederation, and to create a power by which the external relations of the confederation should be conducted, in relation to all foreign States, and not for municipal purposes, which properly belong to and are reserved by the States. These views clearly impress themselves upon the mind, from an examination of the *well-defined* and precise powers enumerated in the constitution, as given to the Congress of the United States; but if a doubt could be created as to the construction and meaning of these powers, it has been removed by the 9th and 10th amendments of that instrument, which declare that the enumeration of certain rights shall not be construed to deny or disparage others retained by the people, and that the powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively, or to the people. Notwithstanding this, the General Assembly has seen the General Government *usurping* the right of regulating by law the labor of a portion of the people, imposing unequal and heavy burthens upon a portion of the States, by way of duties, not for the payment of the public debt, but in order to protect the manufactures of another portion of the States.

2dly. It has usurped the power to raise large sums of money from those duties, which has in part been expended, and it desires to raise

more to be expended, in wild and visionary schemes of internal improvements—in the making of roads, canals, opening rivers, creeks &c. which under the specious name of the American system, is intended to dazzle the understanding and corrupt the morals of the people, by an appeal to their individual interests, avarice or ambition.

And 3dly. It has more than once assumed the right to create a bank charter, under the specious but imposing name of the United States Bank, in which case the highest act of the most sovereign and unlimited power was involved.

In relation to the latter assumption, it is true that the patriotic and venerable President of the United States has interposed his constitutional right of veto, whereby it is hoped that this aristocratic and monopolizing monster in its present form will be strangled.

This enumeration is deemed sufficient at this time to call forth the expression of the opinions of the General Assembly, if no other cases of apprehension existed; but when to these, and as originating in some of these causes, the eye is turned to one of our sister States who is probably about to resist openly a law of the United States, the General Assembly feels constrained frankly and candidly to express its opinions.

Encroachments springing from a government whose organization cannot be maintained without the co-operation of the States, furnish the strongest excitements upon the State Legislatures to watchfulness, and impose upon them the strongest obligation to preserve unimpaired the line of partition.

The acquiescence of the States under infractions of the federal compact, would either beget a speedy consolidation, by precipitating the State Governments into impotency and contempt, or prepare the way for a revolution by a repetition of these infractions, until the people are aroused to appear in the majesty of their strength. It is to avoid these calamities that we exhibit to the people the momentous question, whether the United States Constitution shall yield to constructions which defy every restraint and overwhelm the best hopes of republicanism.

Resolved. That the General Assembly of the State of Tennessee doth unequivocally express a firm resolution to maintain and defend the constitution of the United States, and the constitution of this State against every aggression, either foreign or domestic. and that they will support the Government of the United States in all measures warranted by the *former*.

That this Assembly most solemnly declare a warm attachment to the Union of the States—to maintain which it pledges its power—and that, for this end, it is their duty to watch over and oppose every infraction of those principles, which constitute the only true basis of that Union, because a faithful observance of these can alone secure its existence and the public happiness.

Resolved, That this General Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government as resulting from the compact, to which the States are parties, as

limited by the plain sense and intention of the instrument constituting that compact; as no farther valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable and dangerous exercise of other powers not granted by the said compact, the States, who are parties thereto, have the right and are in duty bound to interpose for arresting the progress of the evil. and for maintaining within their respective limits the authorities, rights and liberties appertaining to them.

That the General Assembly doth also express its deep regret, that a spirit, in sundry instances, has been manifested by the Federal Government to enlarge its powers by forced constructions of the constitutional charter which defines them; and that indications have appeared of a design to expound certain general phrases (which having been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued), so as to destroy the meaning and effect of the particular enumeration which necessarily explains and limits the general phrases, and so as to consolidate the states by degrees into one sovereignty, the obvious tendency and inevitable result of which would be to transform the present republican system of the United States into an absolute or at best a mixed monarchy.

Resolved, That it is the opinion of this General Assembly that the acts of the Federal Government, commonly called the Tariff acts, avowedly for the purpose of protecting manufactures, are unequal, unjust and extremely oppressive on the people of the south and west.

Yet they do not believe such acts to be such a deliberate and palpable violation of the constitution as to warrant a separation of the States, or to justify the violent and intemperate opposition to them which has manifested itself in some of the adjoining States of the Union; more particularly when there is reasonable ground to hope, from the declared sentiments of the Executive, and the recent action of Congress on this important subject, that such modifications of said acts, will be made, as will reduce the amount of duties, as near as practicable, to the necessary and ordinary expenditures of the Government.

Resolved, That the good people of this State having ever felt, and continuing to feel the most sincere affection for their brethren of the other States—the truest anxiety for establishing and perpetuating the Union of all—and the most scrupulous fidelity to that constitution, which is the pledge of mutual friendship, and the instrument of mutual happiness—this General Assembly solemnly appeal to the like dispositions in other States, in confidence that they will concur with this State in the use of all necessary and proper constitutional measures by each, in maintaining unimpaired the authorities, rights and liberties reserved to the States respectively, or to the people.

Resolved, That in the opinion of this General Assembly, the doctrine of nullification contended for by the State rights party of South Carolina, as a peaceful and constitutional remedy against unconstitutional acts of Congress, is wholly delusive in character and directly tends to a separation of the Union. It cannot be a constitutional

remedy because no such provision is found in that instrument, neither can it be a peaceful remedy by any particular State, unless all the other members of the confederacy shall consent to such acts of nullification.

If it be true that a State may in any case declare a law of the federal government, unconstitutional and void, it is equally true, that that right is not derivable from the federal constitution, but grows out of an inherent right unalienable in all sovereign communities *to alter, modify, amend and even change* their government whenever it may be found necessary to promote their welfare. And this *inherent right* can alone be exercised by the people in convention, and when so resorted to and exercised amounts to such an infraction of the federal compact on the part of the State so recurring as throws her beyond the protective provisions of the constitution, and is *ipso facto* a secession from the Union.—Therefore,

Resolved further, That the doctrine of nullification as urged by the State rights party in South Carolina meets with the decided disapprobation of this General Assembly, as tending directly to revolution and a separation of the Union of these States.

Mr Gillespy submitted the following, to wit:

I most heartily concur with the chairman of the joint select committee, to whom were referred the several resolutions introduced in both branches of the General Assembly at the present session on the subjects of the tariff, internal improvement and nullification, in the views and sentiments contained in the report by him above submitted to the Senate, as one of the minority of the committee, and prefer said report to the one submitted by the majority of said committee; because I believe it better expresses the views and doctrines advocated and triumphantly maintained by the republican party in 1798, 1799 and 1801, as expressed in their much famed Virginia and Kentucky resolutions of that time;—because I believe the language of the report of the chairman much more respectful and conciliatory to the feelings of an intelligent and highly excited party in the South, admitted by all to be laboring under the most unequal, unjust and oppressive burthens, but whose sentiments and doctrines upon the subject of nullification, as a peaceful and constitutional remedy against the enforcement of the tariff laws, are by us totally but respectfully disavowed and disclaimed, as dangerous in their tendency to the harmony and integrity of the Union; and because I believe that the report of the chairman contains a more lucid and intelligent exposition of the subjects referred to the committee, and is a more respectable document to submit to an enlightened public than that reported by the majority.

JOHN F. GILLESPY.

And then the Senate adjourned.

MONDAY, OCTOBER 22, 1832.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign enrolled bills of the following titles, to wit: an act for the relief of Thomas White and others—an act for the relief of Isaac and Melchisedeck Hill, of Warren county—an act for the relief of the Surveyor General of the Hiwassee district—an act to establish a board of internal improvement for the county of Lawrence—an act for the adjudication of land claims, and other purposes—an act to repeal the second section of an act, entitled an act for the benefit of Jessee Savage, of Warren county, passed 1st Nov. 1831—an act to appoint Commissioners on Burke's turnpike road, leading from Sparta to the Crab Orchard, and for other purposes—and an act for the relief of Sarah Park, all of which were severally signed by the Speaker of the Senate and ordered to be deposited in the office of the Secretary of State.

A bill to amend and explain the several acts relating to costs in State cases—a bill for the relief of John Rymall—a bill to amend an act further to define and extend the jurisdiction of justices of the peace—and a bill to extend certain powers to the school Commissioners therein mentioned, were severally read a third time and passed.

Mr Feild, from the committee on enrolments, reported as truly enrolled, an act to appropriate the interest arising from the internal improvement fund for Wilson county to the purposes of common schools, and for other purposes—an act for the relief of James Nugent and Samuel D. Powell—an act to amend an act, entitled an act to incorporate a company called the Franklin Turnpike Company, passed 31st Dec. 1829—an act to make a turnpike road from Lebanon to Nashville—an act to establish the town of Portersville, in Tipton county—an act for the relief of Bradford and Deckard, of Franklin county—an act making provision for the purchase and distribution of Rhea's Map of Tennessee—an act for the benefit of the persons therein named—an act to establish academies in the counties of Smith and Shelby—an act to amend an act, entitled an act to establish a board of internal improvement for the mountain district, passed in 1831—an act to dispose of the internal improvement fund belonging to the counties therein named—an act to compensate Jacob P. Chase—an act to amend an act for the benefit of common schools in this State—an act for the benefit of the corporation of the town of Murfreesborough—an act prescribing the duties of the trustees of Bolivar Academy, in the county of Monroe—an act to change the time of holding the court martial of the 48th regiment, and of holding the regimental muster of the 122d regiment—an act authorizing the judge of the seventh judicial circuit to issue certificates in certain cases—an act establishing a volunteer company in Trenton—an act for the relief of Thomas Hoard, guardian of the heirs of Stanwix Hoard, dec'd—an act to establish a town on

the lands of William C. Rodgers, in the county of Henry—and an act for the benefit of Wilson Coats, which were signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

Mr Burford, from the same committee, reported as truly enrolled, an act establishing the 128th regiment of militia in the county of Gibson—an act to regulate and apportion the common school fund of Bedford and Lincoln counties—an act to provide for repairing the court house in the town of Athens, in M'Minn county—an act authorizing the circuit court to take jurisdiction of issues *devisavit vel non*—an act for the relief of Charles Howell, jailer of Washington county—an act for the relief of James Overton—an act changing the time of holding the supreme court at Jackson—an act to divorce Martha A. S. Clay, from her husband Samuel Clay—a resolution referring grant No. 172, to the Commissioner for adjudication—an act for the relief of Ellen Hilyer, of Dyer county—an act to extend the chartered limits of the town of Gallatin—an act to change the name of Harrisburg in the county of Haywood—an act appointing a common school agent for Stewart county—an act for the benefit of John Cooney—an act to amend the acts heretofore passed in relation to the Gallatin and White's Creek turnpike roads—an act to provide for the collection of the school tax—and an act giving the circuit court jurisdiction of misdemeanors, all of which were signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

Mr Anderson submitted the following:

Resolved by the General Assembly of the State of Tennessee, That grant No. 172, issued by the State of North Carolina, be referred to the Secretary for adjudication; and if it shall appear to the satisfaction of said Secretary, that said grant was founded on a good and valid warrant, that the land included in said grant cannot be held by virtue of said grant, the Secretary shall issue to the grantee a certificate warrant, unless it shall appear that a duplicate warrant has heretofore issued, or another grant has been issued on said warrant.

Mr Bradford submitted the following:

Resolved by the General Assembly of the State of Tennessee, That William Craig be, and he is hereby appointed a justice of the peace of Bedford county.

Mr Holman the following:

Resolved, That the public printer be instructed to print 3000 copies of the captions of the public and private acts of the present session, for the use of the Senate.

Mr Bradford the following:

Resolved by the General Assembly of the State of Tennessee, That Daniel Headlee, be, and he is hereby appointed a justice of the peace for Bedford county.

And the rule requiring resolutions to lie one day on the table, being suspended, said resolutions were adopted.—Ordered, that the

clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A message from the House of Representatives by Mr Campbell, their clerk.

Mr Speaker: The Speaker of the House of Representatives did this day sign a resolution appointing a justice of the peace for Rutherford county. The House of Representatives concur with the Senate's resolution appointing William Craig a justice of the peace for Bedford county. The Speaker of the House of Representatives has this day signed an act for the relief of Christopher Strong—an act to amend an act, entitled an act further to define and extend the jurisdiction of justices of the peace—an act for the relief of John Rymall—an act to extend certain powers to the school commissioners therein named—an act for the benefit of Joseph Daniel, of Hardin county—an act appointing a justice of the peace for Gibson county—an act to alter the time of holding regimental musters in the 8th brigade—an act directory to the register of the Western District—a resolution in relation to the communication of Mitchell King, Esq. on behalf of the Union Party of South Carolina. The House of Representatives concur in your resolution appointing justices of the peace for the county of Bedford.—And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled bills and resolutions and ordered them to be deposited in the office of the Secretary of State.

A bill to amend the penal laws of this State—a bill for the benefit of John Wright—a bill to aid free persons of color to emigrate to Liberia—a bill giving jurisdiction to the supreme court in certain cases, were severally read and rejected.

A bill appropriating money to defray the expense of the survey of a rail road route, from Paint Rock at the North Carolina line, to Knoxville, was, on motion of Mr Frey, indefinitely postponed.

A bill for the benefit of James Overton—a bill to divorce Martha A. S. Clay from her husband Samuel Clay—a bill to appoint a common school agent for Stewart county—a bill to extend the chartered limits of the town of Gallatin—a bill granting certain powers to the corporation of the town of Jonesborough—a bill to repeal an act authorizing James W. Wyly to sell real estate in certain cases—a bill for the benefit of Wilson Coats—a bill for the benefit of Wm. B. Sorrels—a bill for the benefit of Benjamin Drone—a bill giving the circuit court jurisdiction in certain cases—a bill for the relief of C. Strong—a bill to amend an act entitled an act to incorporate the Franklin turnpike company—a bill for the benefit of Samuel M'Connell—a bill for the benefit of John Cooney—a bill for the benefit of John and Linsey Pinchem—a bill for the benefit of Joseph Daniel—a bill concerning a part of the internal improvement fund of Humphreys county—a bill to amend an act entitled an act making compensation to certain enterers and grantees for their improvements between the two Kentucky lines—a bill making an appropriation of money to defray the expenses of the second session of the 19th General Assembly—a

bill to change the name of Harrisburg in the county of Haywood—a bill to incorporate the Boiling Spring Academy in the county of Williamson—a bill to amend the common school laws of this State—a bill to authorize David M'Kinney to build a bridge across Hatchee river—a bill authorizing Arthur Hays to emancipate a certain negro slave—a bill to provide for the collection of school tax a bill for the benefit of John Travis and Wm. Harper—a bill to incorporate the Porter Female Academy in Williamson county—a bill for the benefit of John Cooney—a bill for the benefit of Ellen Hilyer of Dyer county—a bill for the relief of Mark M. Andrews and others—a bill to change the name of Temperance M'Millan—a bill to divorce John Clendennen from his wife Elizabeth—and a bill to alter the time of holding the regimental muster in the 8th brigade were severally read a third and last time in both Houses, passed and ordered to be enrolled.

On motion, ordered, that Mr Burford be added to the committee on enrolled bills.

Mr Burford, from the committee on enrolments, reported as truly enrolled, an act to amend and explain the several acts relating to costs in State cases—an act authoriz ng Arthur Hays to emancipate a certain slave and for other purposes—an act for the benefit of John Travis and Wm. Harper—an act to divorce John Clendennen from his wife Elizabeth—an act for the relief of Mark M. Andrews and others—an act to authorize David M'Kinney to build a bridge across Hatchie river—an act to change the name of Temperance M'Millan—an act to amend an act making compensation to certain enterers and grantees, for their improvements between the two Kentucky lines—an act to establish and incorporate the Boiling Spring Academy, in Williamson county—an act to incorporate the Porter female academy—an act to amend an act entitled an act to incorporate the Franklin and Columbia turnpike company—and a resolution appointing justices of the peace for Bedford county, all of which were signed by the Speaker and ordered to be transmitted to the House of Representatives.

On motion of Mr Burford the Senate took up the report of the joint select committee made on Saturday last, expressive of the sense of the General Assembly on the subject of the Tariff, Internal Improvement and Nullification, and the said report being read the question was thereupon had, will the Senate concur in and adopt said report, which was unanimously decided in the affirmative—Mr. Greene being absent.—Ordered, that the said report be transmitted to the House of Representatives.

Mr Feild from the committee of enrolments, reported as truly enrolled—an act for the relief of Samuel M'Connell—an act to repeal an act passed Nov. the 2d 1827, to authorize James W. Wyly to sell certain real estate—an act fixing the time when an act passed 20th December 1831, entitled an act to amend the registration laws of this state and for other purposes shall go into effect—an act for the benefit of John and Linsey Pinchem—an act for the benefit of Benjamin Drane of the county of Washington—an act concerning

a part of the Internal Improvement fund of Humphreys county—an act making an appropriation of money to defray the expenses of the second session of the 19th General Assembly—an act to amend an act entitled an act to provide for the permanent establishment of the seat of Justice in Overton county, passed on the 5th December 1831—an act to amend the common school laws of this state—an act for the benefit of Wm. B. Sorrels of Hardin county—and an act granting certain powers to the Mayor and Aldermen of the corporation of the town of Jonesborough, all of which were signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

A preamble and resolution from the House of Representatives, in relation to the mission of Mitchell King, Esq. a delegate from the Union Party of South Carolina, was taken up and read.

Mr Gillespy moved an amendment thereto, which being accepted, it was ordered that the clerk propose said amendment to the House of Representatives and ask their concurrence therein, which being done, and a concurrence being thereupon received, the said preamble and resolution were adopted.

Mr Anderson on behalf of himself and others submitted the following protest.

In the exercise of a right secured by the Constitution of Tennessee, the undersigned take leave to dissent *from* and protest *against* the decision of the Senate on a resolution to expel Robert Murray, the member from Carroll county, from his seat in this House.—Believing that a serious injury has been inflicted on us and the people we represent, by the Senate, in refusing to adopt the resolution, and that alarming and serious consequences will be the natural result of the precedent if followed by succeeding Legislatures, we deem it proper here to state to the world the reasons of our dissent. While we admit the right of any member to prefer a charge against any other member for corrupt or disorderly conduct, and the power of the Senate to punish and expel the accused, we believe it essentially necessary to the very existence of a deliberative body, that the members thereof should be protected and defended while in the discharge of their official duties, from all charges of unworthy motives made by any member of the body. Whilst the external conduct of members is orderly and within the range of their official duties, neither the Senate nor any other earthly tribunal, except their constituents and the public, have any power or right to investigate their motives; whether the motives be pure or impure, is not a question open to investigation by the Senate, and they are only answerable to their consciences, their country and their God.

The member from Carroll has placed on the Journals his protest against the vote of the Senate in the passage of the law dividing the State into Congressional Districts. He has in that protest assumed the right to assail and impugn the motives of a portion of the members of the Senate in the votes they gave in the progress of the bill, and they are directly charged with *partiality*, *favoritism*, *management* and *juggling*. This charge, so far as intended to apply to the

undersigned, they pronounce to be a base and groundless calumny, worthy only of the head and heart of its author, and so far as it regards others, to whose course exception is taken, we believe the charge equally false and slanderous;—whether it proceeded from a proneness to slander and detraction that prompted the imputations in said protest, or from a consciousness of being guilty himself of the conduct therein charged on others, or because private, ambitious and selfish views had been defeated, or whether the author has suffered himself to be made the unsuspecting instrument of others more crafty and designing than himself, and equally disappointed in the arrangement of districts, it is not the province, nor is it the design of the undersigned now to decide.

It may appear somewhat strange to those who will examine the whole of this matter to see how solicitous the member from Carroll seems to be that the counties of Bedford and Maury should not be joined in a district;—we are told in his protest that these counties could not well be joined without "bearing hard upon some portions of the state, such was the localities of counties," and that it "necessarily required to avoid injustice elsewhere, that the counties of Bedford and Maury should be separated," yet a proposition submitted by that very member, and which was carried, and for which he voted, joined these identical counties, which, according to his own account, could not be united without doing injustice *elsewhere*, thus in action palpably contradicting his own assertion.

It is true, as stated in the protest of the member from Carroll, that the Congressional Districts for East Tennessee were arranged by a committee of the delegation from that part of the State, and the report of the committee was concurred in. The delegates from East Tennessee who are more particularly specified in the protest, as disregarding their duty, could not then have any interested or selfish motives in voting on the several propositions that were submitted to arrange the Districts west of the mountain. When it was discovered that the arrangement of Districts west of the mountain could not be made satisfactorily to all the delegation from that section of the State, it became the duty of the eastern delegation to vote according to the best judgment they could form on the several propositions that were submitted. This each one did with a view so to arrange the districts as to do, as near as possible, equal justice to all. Nor did the undersigned vote together on the several propositions which were made. It appears from the journals, notwithstanding the committee had reported the bill placing Bedford and Maury together, that five of the undersigned Senators from East Tennessee, to wit: Anderson, Gillespy, Greene, M'Clellan and Wyly, voted with the member from Carroll for an amendment offered by the member from Henderson which separated Bedford from Maury, which was adopted and passed the Senate the first reading, and on the second reading of the bill, that one of the members from East Tennessee, Anderson, voted with the member from Carroll, for the amendment offered by the member from Rutherford which separated Bedford and Maury, and that one of the Senators, Greene, from East Tennes-

see voted with him against the amendment offered by the member from Smith connecting Bedford and Maury which was adopted, and the bill passed its second reading, all the undersigned voting for the bill. On the third reading, the journals shew that on an amendment offered by the member from Giles which separated Bedford and Maury, all the undersigned members from East Tennesee voted for it, which however failed, the member from Carroll voting against it; and on an amendment offered by the member from Wilson, separating Bedford and Maury, two of the undersigned, Anderson and Brabson, voted with the member from Carroll for its adoption, but it was rejected. On a re-consideration of the member from Giles which separated Bedford and Maury, five of the undersigned, Anderson, Brabson, Wyly, Gillespy and Greene, voted for it, with the member from Carroll—and on the adoption of the above amendment in lieu of the bill two of the undersigned, Anderson and Brabson, voted for it, with the member from Carroll; Gillespy offered an amendment, and the member from Carroll offered an amendment in lieu thereof, placing Bedford and Maury together in a district, four of the undersigned, Anderson, Brabson, Greene and Wyly, voted with the member from Carroll for it, the others against it; this amendment was adopted, and the bill passed, all the undersigned voting with the member from Carroll.

The House of Representatives having made several amendments, votes were taken in the Senate upon their message, concurring in some and non-concurring in others, but none of those proposed amendments separated Bedford and Maury, but left them together as they had been placed by the bill as passed the third reading in the Senate. These facts appearing on the journal and known to the member from Carroll, wholly disprove the insinuation that the members from East Tennessee made the Union of Bedford and Maury an exclusive object in their votes. The manifest incorrectness of the protest appearing on the very face of the journals, upon which it is spread, furnishes as we believe such incontestible evidence of the malignity of the charge as to preclude all justification or excuse, and cannot consistent with our views of the character of this House be tolerated; and more especially when connected with the gross insult and indignity offered to the House, in the direct charge made in the protest that a "majority of the Senate, either wanting confidence in their own acts or having secured beyond the danger of alteration in the Senate one part of the bill, were indifferent about the balance, and were willing to be moved and dictated to by the House of Representatives, and adopted the amendment complained of, thereby riveting on his constituents an excess of population for the next ten years." This charge besides containing the preposterous and weak supposition that the Senate ought to disregard the opinions and wishes of the more popular branch of the General Assembly and the presumptuous declaration that the majority, "wanting confidence," in themselves, might be willing to submit to the *dictation* of the other House is also untrue in point of fact, for the amendment complained of, instead of riveting an excess of populatien on the

constituents of the member from Carroll, gave them a district containing thousand being less than the federal ratio and therefore cold not do his constituents the injustice, so loudly complained of. But because the counties of Bedford and Maury were joined in a district, and because the member of Carroll did not get a district with a federal population of less than thirty four thousand, as he wished and attempted, by putting on the adjoining district, lying also in the Western District, upwards of fifty thousand, the majority of the Senate, and the members from East Tennessee in particular, are charged by the member from Carroll with, "partiality, management, ambition, favoritism and juggling, contrary to every principle which should govern a magnanimous Legislature." A higher offence than deliberately making such charges, could not in our opinion be committed by a member of the Senate, and if such charges against the majority of this House be not such a contempt and indignity offered to the Senate, and be not such disorderly conduct as called for expulsion, (the highest punishment in the power of this House) then we confess we do not know what offence could be committed which would demand it.

A resolution was submitted to expel the member from Carroll from his seat, for the "contempt, indignity, and disorderly behaviour" offered to the Senate by the language contained in the protest. A motion was made to postpone this resolution indefinitely; eight members voted in the affirmative and eleven in the negative. Those who voted for indefinite postponement, have thereby, in our opinion, furnished an inference to the world, that they did not consider it a contempt or indignity for one member of the Senate to charge other members, as has been done by the member from Carroll. The motion to postpone indefinitely failed, and the question was taken on the adoption of the resolution, when the same members who voted for indefinite postponement voted against the resolution and eleven for it; but there not being the constitutional number of two thirds to expel, it was pronounced that the resolution was rejected.

We do not deny the right of any member thus to furnish the world with his own estimate of the value of the dignity, character and honor of his station. It is his constitutional privilege so to do; nor do we wish to be understood as impugning his motives, but entertaining a very different opinion of the character and dignity of the house, and of the necessity of each and every member maintaining and protecting the same by exercising the constitutional power of the body, we felt impelled by a sense of duty to the house, to our constituents and to ourselves to vote the expulsion of the member from Carroll.

It is with deep regret that we have witnessed the Senate of Tennessee, by their decision on the above resolution, sanction the doctrine, that a member does not deserve expulsion for charging the body to which he belongs, or a majority of them, with "*ambition, partiality, management, favoritism* and *juggling*," in their official conduct. We believe this principle wholly destructive to the existence of all deliberative bodies, tending directly to disorder, violence, and

a dissolution thereof; and if such should be the result on any occasion, the responsibility must rest upon those who shall have induced it by their refusal to extend the constitutional protection of the house to the assailed; and that it is a palpable misrepresentation of the opinions and principles of the free, intelligent and honorable citizens of Tennessee.

We therefore believe it our duty to spread before the world the above, as our reasons for dissenting from and protesting against the decision of the Senate on the resolution above named.

JAMES I. GREENE,
ROBT. M. ANDERSON,
JOHN F. GILLESPY,
JAS. W. WYLY,
ABR'M M'CLELLAN,
JOHN M. BRABSON.

Mr Bradford submitted the following protest, to wit:

"I protest against the decision of the chair, permitting the protest signed Robert M. Anderson, James I. Greene, J. F. Gillespy, Abr'm M'Clellan, J. W. Wyly and John M. Brabson, to be spread upon the Journals of the Senate; because there is personal abuse of a member contained in it, who is charged with uttering falsehoods and slander, more especially, when that member challenged investigation, and professed himself ready and willing to sustain by testimony, the truth of every thing contained in his protest, which has been denied him. THEO. F. BRADFORD.

Mr Frey submitted the following:

Resolved, That the thanks of the Senate be tendered to the Hon. Burchet Douglass, Speaker of the Senate, for the able and impartial manner in which he has presided over the deliberations of the Senate during the present session.

And the rule being suspended, said resolution was adopted.

Whereupon the Speaker rose and made the following address to the Senate, to wit:

Gentlemen of the Senate:

Now that we are about to separate from our joint labors in the public service, to have an expression of your approbation of the duties performed by the chair, is extremely gratifying.

I rejoice that general harmony has prevailed in our deliberations, and that the judgment and good sense of the members of the Senate, have enabled them to overcome the warmth and asperity of temper, that have occasionally sprung up in debate, which is unavoidable in all deliberative assemblies of men, differing, as they must do, in their views of public policy and actuated by a laudable zeal for the general interest.

I need not say that you have exercised great forbearance towards each other, for the good order that has been observed by you is a high evidence of that, and of the generous, manly and disinterested efforts made by you individually and collectively, for the interest and prosperity of your respective constituents.

I hope your united labors may be crowned with success, and that

you, individually, on all fit occasions, may meet with a lively expression of respect and confidence from a generous public.

And for myself, let me assure you gentlemen, that I shall ever bear in mind, the partiality that gave me authority in this chair, and the kind feeling that has prompted you so frequently to aid in the administration of my duties, as the presiding officer of the Senate, which it now becomes my duty on your part to close, which I cannot do without again expressing a fervent desire for your health and length of days, spent in the service of our common country.

The Senate having closed the business before them, the clerk was ordered to acquaint the House of Representatives therewith, and to propose to them an adjournment without day. Which duty being performed, and a message of concurrence therewith being received from that body, the Speaker thereupon adjourned the Senate *sine die*.

BURCHET DOUGLASS,
Speaker of the Senate.

WM. K. HILL, *Clerk.*